

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

OCT 18 1967

Office of Administrative Procedure

ENDORSEDAPPROVED FOR FILING
(Gov. Code 11380.2)

OCT 18 1967

Office of Administrative Procedure

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: October 13, 1967

By:

Director

(Title)

FILEDIn the office of the Secretary of State
of the State of California

OCT 18 1967

At 12:15 o'clock

FRANK J. ARNONE, Secretary of State

By: *J. H. Fuller*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations in Title 22, Division 2, California Administrative Code, as follows:

- (1) Repeals Section CI-110 through CI-246
- Repeals Section DN-110 through DN-225
- Repeals Section CPA-110 through CPA-210
- Repeals Section AI-110 through AI-194
- Repeals Section AD-110 through AD-415
- Repeals Section BH-1 through BH-124.33
- Repeals Section MH-111 through MH-243

- (2) Adopts recodified Sections as follows:

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CHAPTER 1 - MATERNITY HOMES

SUB-CHAPTER 1 - LICENSURE APPLICATION REQUIREMENTS

ARTICLE 1 - LICENSING PROCEDURE

30001 APPLICATION

An application for license, on forms prescribed and supplied by the State Department of Social Welfare, shall be signed under penalty of perjury and filed with the nearest Area Office of the Department before taking any formal step to establish a maternity home.

A new application shall be filed whenever a change is contemplated in the location of the maternity home or the auspices under which it will be operated.

Two copies of the appropriate application form shall be completed. One copy must be returned to the Area Office. The other is retained by the maternity home for its records.

30003 LICENSING STUDY

The licensing study will include the following procedures:

1. Review of building plans or inspection of plant - Upon receipt of any new application, the State Department of Social Welfare will evaluate the building plans, or inspect the building whose use is contemplated to determine conformity with the regulations contained in this Manual.
2. Fire Inspection - Upon receipt of any new application, the State Department of Social Welfare will request the State Fire Marshal to inspect the buildings and to make a report of his findings and recommendations concerning any necessary alterations.
3. Criminal Record Clearance - Upon receipt of any new application the State Department of Social Welfare will:
 - a. Require fingerprinting of the executive of the maternity home and spouse of the executive residing on the premises of the facility.
 - b. Arrange for these persons to be fingerprinted by a person trained to take fingerprints.

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30003 (Continued)

- c. Obtain criminal record clearance from the State Bureau of Criminal Identification and Investigation on Form CII-7.

If it is not possible to ascertain the criminal record or absence thereof by the fingerprint method, then resort to name check as a secondary, alternative method shall be made.

If a person's fingerprints are taken twice and both sets are not sufficiently clear to permit CII to effect clearance, use of the name check as a secondary, alternative method is permissible if the following conditions are observed:

- (1) There is a completed, signed application on file which includes a statement as to whether or not the applicant has a criminal record.
- (2) An entry is made in the licensing narrative record explaining effort to effect clearance by the fingerprint method and reason(s) for resorting to the name check.

Name check method shall also be used in unusual circumstances, e.g., if the person is physically unable to have fingerprints taken and is, in all other respects, qualified for a license.

- d. Evaluate and make disposition of any records received.
(See Handbook Section MH-142.11)

4. Evaluation of Conformity with Standards - The State Department of Social Welfare, in cooperation with the Board and staff of the maternity home, will evaluate the facility's eligibility to license and the capacity limitation to be specified on the license. The evaluation process is a shared responsibility, but final decision concerning the issuance of license must be made by the State Department of Social Welfare.

30005 **ISSUANCE OF LICENSE**

A license will be issued to any maternity home found to be in full conformity with the requirements set forth in this Manual.

A license or a renewal license will not be issued until:

1. Criminal record reports are on file for the executive of the maternity home, and the spouse of the executive, if residing on the premises of the facility.
2. Evaluation has been made of any criminal records which may exist, and it has been determined that issuance of a license is not legally precluded.
3. Criminal record clearance is required only upon the first renewal of a license in effect prior to September 20, 1963, or upon the change of the executive.

At the discretion of the department, a renewal license may be issued in a case of substantial conformity with regulations when (1) deviations are minor and/or all reasonable effort is being made to achieve conformity and (2) the continued operation of the maternity home is believed to be in the best interest of the mothers and children whom it serves.

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30007 CONFORMITY WITH TERMS OF LICENSE

Each license will specify the number of girls and infants for whom the maternity home is authorized to provide care in the residential quarters. This number shall not be exceeded at any time.

30009 POSTING OF LICENSE

Licenses shall be posted in a conspicuous place in the maternity home.

30011 REPORTS TO THE STATE DEPARTMENT OF SOCIAL WELFARE

In addition to the reports specifically required by Sections 1620.5 and 1628 of the Welfare and Institutions Code, all maternity homes shall submit to the State Department of Social Welfare:

1. Plans for new buildings or for addition to or major alteration of existing buildings.
2. Plans to occupy a building or a portion of a building which has not been previously used by the maternity home.
3. Any information or statistics required by the State Department of Social Welfare.

30013 REVOCATION OF LICENSE

No license will be revoked until a maternity home has had a reasonable opportunity to achieve conformity with the regulations in this Manual.

A license will be revoked by sending a registered letter bearing the designation "Notice of Revocation" to the organization responsible for operation of the maternity home. This letter will (1) state that the license is being revoked; (2) list the specific acts or conditions which constitute lack of conformity with regulations and the dates or time span involved; (3) establish a date for termination of operation and (4) explain the right to file an appeal from this action within 30 days.

If an appeal is filed, further proceedings will be conducted in accordance with the Administrative Procedure Act.

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SUB-CHAPTER 2 ORGANIZATION AND MANAGEMENT

ARTICLE I ORGANIZATION AND ADMINISTRATION

30021 ORGANIZATION

The organization of every maternity home shall be such that legal responsibility is clearly defined and administrative authority specifically placed.

To insure local citizen participation in the administrative process, each maternity home shall have a local lay Board or Advisory Committee.

30023 INCORPORATION

Maternity homes subject to license by the State Department of Social Welfare must be operated by a nonprofit organization incorporated in accordance with Division 2, Part 3, Sections 10200-10208 of the Corporations Code of California.

A copy of the Articles of Incorporation shall be filed with the State Department of Social Welfare.

Maternity homes operated under the auspices of a national organization or religious order need not be incorporated separately, if the operation of maternity homes is a function mentioned in the Articles of Incorporation issued to the parent-body.

30025 CONSTITUTION AND BYLAWS - ESTABLISHMENT

Each maternity home shall have a constitution and bylaws which provide for control by a responsible governing body and fulfill the requirements established in this chapter.

When a home is served in an administrative or advisory capacity by more than one citizen group (whether on a national, territorial or local level), a separate constitution and bylaws shall be established to govern the activities of each Board and/or Advisory Committee.

A copy of each constitution and bylaws, including those of the final administrative authority, shall be filed with the State Department of Social Welfare.

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30027 CONSTITUTION AND BYLAWS - CONTENT

Each constitution and bylaws shall contain the following information:

1. The name of the organization, or citizen group whose activities will be controlled by this document.
2. The purpose of the organization, including a broad definition of the individuals to be served and the services to be provided.
3. The relationship of this group to the general membership and/or auxiliary groups, if such exist.
4. The location of final administrative authority for the operation of the maternity home, with specific mention of responsibility for the employment of staff.
5. The powers and duties of the Board or Advisory Committee to be governed by this document with any delegation of responsibility clearly defined.
6. The size, composition, and the methods of selecting this Board or Advisory Committee, and the term of office established for its members.
7. The officers and committees to be designated, the method of their selection, their term of office and their duties.
8. The time, place and frequency of meetings, and the number necessary for a quorum.
9. The methods for financing the maternity home.
10. The methods by which change in the constitution and bylaws can be effected.

Each constitution which governs the activities of a local lay Board or Advisory Committee serving a maternity home exclusively, shall also make provision for the executive of the maternity home to attend all meetings of this Board or Committee. An exception may be provided for meetings held to evaluate the job performance of the executive or discuss the selection of her successor. If such exceptions are made, other sections of the constitution shall require that the Board or Committee share with the executive, any evaluation of her performance previously discussed in a closed meeting.

The constitution governing the activities of an Advisory Board or Committee shall also define the channels through which its actions must proceed for review and approval.

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30029

LOCAL BOARDS AND ADVISORY COMMITTEES - BASIC REQUIREMENT

Each maternity home shall have a local lay Board or Advisory Committee whose functions do not include provision of any other service or the operation of any other facility.

If a local Board (advisory or administrative) serves other facilities or programs operated under the same organization, an Advisory Committee must be established to serve each maternity home for which the Board has responsibility.

30031

LOCAL BOARDS AND ADVISORY COMMITTEES - FUNCTIONS

Each local Board or Advisory Committee shall maintain a close relationship with the executive and accept responsibility for:

1. Learning about the quantity and quality of service currently provided by the maternity home.
2. Continual evaluation of these services to determine their effectiveness in meeting the needs of the individuals served and of the community.
3. Frequent review of policy which governs the practice of the maternity home to determine its applicability to current needs and standards.
4. Development of policy which can be adopted as a basis for improved practice, or recommended to the appropriate administrative body.
5. Interpretation of community interests and attitudes to staff.
6. Interpretation of the maternity home's services and needs to the general public, and to specific groups which may provide funds or may need its services.
7. Participation in community planning of welfare services and in coordination of services.

Local administrative Boards must accept the following additional functions:

1. Determination of the major goals of the maternity home.
2. Formal establishment of policy to govern the program of the maternity home.
3. Responsibility for financing and budget planning.
4. Selection of a qualified executive to whom details of administration can be delegated, and with whom planning activities can be shared.

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30031 (Continued)

5. Development of criteria for evaluation of the job performance of the executive, and acceptance of responsibility for periodic evaluation of the executive in accordance with the criteria established.
6. Provision of channels for sharing with total staff, responsibility for policy formulation, for determination of major goals and development of plans for achieving them.
7. Responsibility to the community for the establishment and maintenance of acceptable standards of service.
8. Representation of the maternity home in its contacts with national and local programs of a related nature.

30033 LOCAL BOARDS AND ADVISORY COMMITTEES - COMPOSITION AND METHOD OF SELECTION

No member of the staff of a maternity home and no person whose financial interests could be served by the maternity home shall be eligible to membership on a local lay Board or Committee.

30035 LOCAL BOARDS AND ADVISORY COMMITTEES - MEETINGS

Local Boards or Advisory Committees shall hold at least ten regular monthly meetings a year.

Minutes of meetings held by a local Board or Advisory Committee serving a maternity home exclusively shall be kept and made available to the State Department of Social Welfare. On request, local Boards which serve other facilities also, shall make available to the department, minutes pertaining to the maternity home.

30037 POLICIES - BASIC REQUIREMENTS

Each maternity home shall have written statements which define its personnel policy and govern its program of services.

Policy statements initiated on a local level shall be formally approved by the local lay Board or Advisory Committee and by any other appropriate Board or administrative authority.

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30039 POLICIES - PERSONNEL

The local Board or Advisory Committee shall establish or compile a written statement of policy which includes all topics listed in Secs. 30083 - 30133 and conforms with the regulations in these sections.

If personnel practice is governed by policy established at different levels, the policy statement shall include under each required topic, all applicable policy established by the local Board or Advisory Committee, by the national organization and/or by its subdivisions.

If policy has not been established for a required topic, the policy statement shall reflect this fact.

The policy statement shall be made available to any member of the staff.

30041 POLICIES - PROGRAM

For each service required by this Manual, the local Board or Advisory Committee shall establish or compile a written statement of policy which defines:

1. The purpose of the Service.
2. The administrative framework for providing the service.
3. The conditions under which it will be made available.
4. Whether the service will be provided by the maternity home or secured from another agency.

The policy statement for each service must include all applicable topics listed in Secs. 30211 - 30365 and conform to the regulations in these sections.

The executive shall develop or cause to be developed, written statements which define for staff, the procedures to be utilized in implementing established policy. These procedures shall be designed to insure a desirable quality of service, a coordination of services, conservation of staff time and a reliable and predictable standard of practice.

The practice of staff and the interpretation of program shall be in conformity with established policy and procedure.

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SUB-CHAPTER 2

ARTICLE 2 FINANCES

30051 BASIC REQUIREMENT

Sufficient funds shall be available at all times to assure adequate care in accordance with:

1. The purposes of the maternity home.
2. The type of program and services planned.
3. The regulations of the State Department of Social Welfare.

30053 FUND-RAISING

An appropriate Board and/or Advisory Committee shall be responsible for securing adequate operating funds. This shall not be a responsibility of the executive.

30055 BONDING OF EMPLOYEES

Any person (usually the treasurer, executive and bookkeeper) responsible for handling funds shall be bonded, unless a competent national organization or religious order guarantees the replacement of any shortage of funds.

30057 FINANCIAL PROCEDURES - BUDGET

Prior to the beginning of each fiscal year, an itemized annual budget shall be prepared and approved by the local Board and/or Advisory Committee and if necessary, by other appropriate administrative authorities.

The final budget adopted shall govern the financial operation of the maternity home.

30061 FINANCIAL RECORDS

Financial records shall be established and maintained in sufficient detail to show clearly (1) the amounts and sources of all income and (2) the nature and amount of all expenditures, assets and liabilities.

These records shall include itemized accounts which show for each budget item, the annual allocation and the total expenditures to date.

All financial records of the maternity home shall be available for review by the State Department of Social Welfare.

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30063 AUDIT

All accounts shall be audited annually by a certified public accountant who is not a member of the Board or Advisory Committee and is not otherwise employed by the maternity home or the national organization under whose auspices it operates.

30065 STATISTICAL RECORDS

Statistical records shall be established and maintained in sufficient detail to allow tabulation of the following:

1. The number of girls for whom service was requested (personally or by another person).
2. The total number of girls accepted for service.
3. The age, race, religion, legal residence, marital status and occupation of each girl accepted for service.
4. The number of girls who received a particular type of service (i.e., residential care, nonresident living arrangements, medical care, other professional services etc.).
5. The duration of care (i.e., days of care).
6. The number of infants born to the girls served.
7. The number of deaths (girls and/or infants).
8. Any other information which the Board or other administrative authority may require.

30067 FEE SCHEDULE

Each maternity home shall establish a fee schedule to be used in determining the amount of reimbursement each girl will be expected to make for the services she receives. Separate fees must be established for different types of service (residential care, medical care, etc.).

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ARTICLE 3 PERSONNEL

30081 BASIC REQUIREMENT

The staff of each maternity home shall be sufficient in number and competence to provide a quality of service which can meet the needs of the individuals it serves.

30083 PERSONAL QUALIFICATIONS - ALL STAFF

All staff serving the maternity home shall demonstrate (through interviews, employment and personal references, and subsequent job performance) possession of the following personal attributes:

1. A warm and friendly manner, a sense of humor, a genuine liking for people and a capacity to establish positive relationships with them.
2. Sufficient intelligence to understand the objectives of the maternity home, and to perform the duties assigned.
3. Mental and emotional stability, personal integrity and freedom from any serious character defect.
4. Sufficient physical vigor to perform assigned duties.
5. Attitudes that are generous, nonpunitive and reflect a basic respect for individuals and an acceptance of their differences. Non-punitive attitudes toward members of the opposite sex and toward sex deviations are of particular importance.
6. Acceptance of the maternity home's objectives.

30085 STAFF REQUIRED

Each maternity home shall obtain the services of staff in each of the following general classifications: (1) executive; (2) medical staff; (3) nursing staff; (4) casework staff; (5) group work staff; (6) psychiatric and psychological specialists; (7) clerical staff and (8) housekeeping and maintenance staff.

Any person employed by or assigned to the staff of a maternity home shall meet the minimum qualifications for his job classification. (See Secs. 30087 - 30125)

Any professional person (physician, nurse, caseworker, psychiatrist, psychologist, chaplain, etc.) whose services are donated to the maternity home, paid for on a contract or fee basis, or made available through an agreement with another agency, shall also meet the minimum qualifications for staff employed in a similar capacity. This requirement is not applicable when psychiatric and/or psychological services are provided by a mental hygiene or child guidance clinic.

When a position includes a combination of duties, the person assigned to the position must meet fully, the minimum qualifications for all job classifications from which his duties are derived (e.g., Assistant Director fulfilling the duties of a Casework Supervisor, etc.).

Any person employed in (or assigned to) a job classification must meet fully the minimum qualifications for that classification, even though his job assignment does not include all of the duties listed for the classification.

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30087

EXECUTIVE

Each maternity home shall have an executive who performs the following duties and possesses in substantial degree, the qualifications listed below:

Duties

1. Administers the maternity home in accordance with established policy and budget limitations.
2. Attends regular meetings of the local Board or Advisory Committee, serves as ex officio member of all Board committees and consults with Board members to keep them informed of the objectives, needs and program of the maternity home and to suggest new policy or revision of existing policy for Board consideration.
3. Develops an administrative plan and procedures to insure clear definition of lines of responsibility, equitable workloads, adequate supervision and harmonious working relationships.
4. Selects, assigns, promotes and dismisses staff in accordance with established personnel policy.
5. Assumes leadership in staff development and stimulation.
6. Establishes and maintains good working relationships with other social agencies and health facilities, and assumes an active role in community planning to develop needed services.
7. Engages in continuous public interpretation of the maternity home program through written material, speeches, etc.
8. Prepares monthly reports, an annual report and a tentative annual budget.

Personal Qualifications

1. Age and state of health which permit vigor and vitality and a youthful point of view.
2. Warmth of personality and a satisfying philosophy of living.
3. Sufficient emotional maturity to insure freedom from anxiety and irritability under pressure, and ability to exercise sound judgment, even in moments of crisis.
4. Deep and sympathetic understanding of the problems involved in pregnancy out of wedlock and in unmarried motherhood, plus an ability to work successfully with individuals and groups.
5. True identification with the objectives of the maternity home and deep conviction about the value of its service.

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30087 (Continued)

6. Ability to establish and maintain a homelike atmosphere in an institutional setting, and to facilitate the relationships essential to constructive group living.
7. Clear understanding of the functions of each employee of the maternity home (including the professional staff) and knowledge of the procedures necessary to prepare a budget, to compile needed statistics, and to operate the maternity home on a sound financial basis.
8. Ability as an administrator, with capacity to accept authority and to delegate it wisely; to inspire Board and staff to develop and implement sound policy and program; to analyze, evaluate and interpret the program of the maternity home; to integrate its services with the total community program for unmarried mothers; and to give leadership to community efforts to provide more adequate services for unmarried mothers.

Education and Experience

1. A minimum of three years of successful experience in social work, nursing, psychology or education.
2. Demonstrated understanding and acceptance of modern concepts and techniques in social work.

30089 ASSISTANT EXECUTIVE

If the maternity home establishes a position with this title, the assistant executive shall possess in substantial degree, the personal qualifications required for an executive, and show potential executive ability.

An assistant executive shall also have the following education and experience:

1. A minimum of two years of successful experience in the field of social work, nursing, psychology or education.
2. Demonstrated understanding and acceptance of modern concepts and techniques in social work.

When there is no assistant director, a suitably qualified person shall be designated to act for the executive in her absence, and to provide administrative assistance within her area of competence.

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30091 MEDICAL STAFF

Each maternity home shall have the services of a physician whose duties include the following:

1. Serves as a member of the Medical Advisory Committee and recommends to that committee, policy which will insure an acceptable quality of medical services.
2. Develops and recommends to the executive, appropriate procedures to insure (a) the availability of the medical services mandated by policy (b) the maintenance of adequate and complete medical records and (c) the coordination of medical services with casework and other specialized services.
3. Assists the executive in securing the services of physicians and specialists needed to implement the medical program.
4. Develops and recommends to the executive, an annual budget for the medical program, and assumes responsibility for ordering medical supplies and equipment within the limitations of the current budget.
5. When appropriate to the staffing pattern (a) assigns equitable workloads to the medical staff; (b) arranges conferences in which the medical and nursing staff can discuss administrative and medical problems and (c) provides consultation when needed by the medical staff or secures it from specialists.

Each member of the medical staff serving girls or infants receiving care in the residential quarters or an outpatient service, must be a graduate of a medical school approved by the Council on Medical Education and Hospitals of the American Medical Association and be licensed to practice medicine in California.

Medical staff serving the hospital unit of a maternity home only, shall meet the standards established by the State Department of Public Health.

30093 NURSING STAFF - BASIC REQUIREMENTS

Each maternity home shall obtain the services of one or more nurses who perform the duties listed in Secs. 30095 and 30097.

Any nurse assigned to these duties shall be a graduate of an accredited school of nursing, currently registered with the Board of Nurse Examiners of the State Department of Professional and Vocational Standards.

Nursing staff serving a hospital unit only, shall meet the standards established by the State Department of Public Health.

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30095 SUPERVISING NURSE (OR OTHER APPROPRIATE TITLE)

Each maternity home shall have one nurse whose duties include the following:

1. Serves as a member of the Medical Advisory Committee and recommends to that committee, policy which will insure an acceptable quality of nursing service and health instruction.
2. Develops and recommends to the executive, appropriate procedures to insure (a) the availability of the nursing service and health instruction mandated by policy; (b) the maintenance of adequate nursing records and (c) the coordination of the nursing program with medical, casework and other services provided by the maternity home.
3. Develops and recommends to the executive, an annual budget for the nursing program, and assumes responsibility for ordering nursing supplies and equipment within the limitations of the current budget.
4. If other nurses are assigned to the residential quarters, (a) assists the executive in securing qualified nursing staff, (b) assumes responsibility for their work assignment and supervision and (c) arranges conferences with the medical staff to discuss administrative and nursing problems.

A nurse who performs the above duties shall have the following qualifications:

1. Three years of nursing experience including (a) some experience which demonstrates administrative, supervisory and teaching ability and (b) one year of obstetrical nursing with responsibility for the care of infants.
2. Knowledge of the principles, techniques, methods, literature and new developments in the field of general nursing, and of those peculiar to obstetrical nursing and to the care of infants.
3. Knowledge of administrative, supervisory and teaching practice and procedure, ability to translate such knowledge into policies and practice and to develop good working relationships with other staff.

If a nurse responsible for the duties listed in this section also provides a direct service to girls accepted for residential care or for an outpatient service, she must have in addition, the personal qualifications required for a nurse. (See Sec. 30097.)

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30097 NURSE (STAFF)

Each maternity home shall have one or more nurses who perform appropriate duties in the residential quarters. (See Handbook Sec. MH-142.42)

Each nurse who provides a direct service to girls and/or infants in the residential quarters shall have the following personal qualifications:

1. Ability to function in a teamwork relationship with other members of the staff and to share responsibility for the care of a child with his mother.
2. Ability to understand the various emotional reactions of pregnant girls and unmarried mothers, to form supportive relationships with them to alleviate the fear of childbirth and to detect abnormalities which indicate the need for referral to a physician and/or a case-worker.

30099 NURSE'S AIDE OR PRACTICAL NURSE

When assigned to the residential quarters, a person in this classification shall perform specified duties under the supervision of a physician or nurse. Such persons shall have the following minimum qualifications:

1. Graduation from high school or completion of an accredited course in practical nursing.
2. Ability to learn and to work under supervision.
3. Ability to maintain friendly relationships with girls resident in the maternity home or receiving an outpatient service, without assuming the assigned function of other members of the staff.

30101 CASEWORK STAFF - BASIC REQUIREMENTS

Every maternity home shall employ, or otherwise secure the services of one or more caseworkers who meet the requirements listed in Sec. 30105 .

When the maternity home does not have a Casework Supervisor, at least one member of its staff shall meet the qualifications for that position. (Exception: this requirement is not applicable when another agency agrees to provide casework services for the maternity home.)

All casework staff serving the maternity home shall have the following personal qualifications:

1. Deep and sympathetic understanding of the problems involved in pregnancy out of wedlock and in unmarried motherhood; acute awareness of own feelings about sexual deviation, illegitimacy, adoption and related problems; freedom from any personal need to impose own values on persons served, particularly in areas relative to the future of a child; true respect for individuals and a firm conviction about their right of self-determination.
2. Unusual sensitivity to the feelings of others; ability to establish a professional relationship quickly and capacity to sustain a relationship which can become the basis for a helping process.
3. Ability to work comfortably within the framework of established policy and procedure, and to function in a teamwork relationship with other members of the staff and with employees of other social agencies.

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30103 CASEWORK SUPERVISOR

If this classification is used, the duties of the person assigned shall include the following:

1. Serves as a member of the Medical Advisory Committee and recommends to that committee, policy needed to coordinate the casework service with the medical and nursing service provided for girls served by the maternity home.
2. Develops and recommends to the executive, any needed changes in policy which governs the casework service, or is administered in whole or in part, by the casework staff (e.g., admission policy, application of fee schedule, etc.).
3. Secures accurate information about the services provided by other agencies and when indicated, assists the executive in developing or revising interagency agreements.
4. Develops and recommends to the executive, appropriate procedures to insure (a) a desirable quality of casework service (b) the maintenance of adequate case records and statistical records and (c) the coordination of casework services with other services of the maternity home.
5. If requested by the executive (a) assists in securing qualified caseworkers when vacancies occur (b) prepares reports and written material (c) interprets the program and/or casework service of the maternity home to the local Board, to Board committees, to other agencies or to the public and (d) represents the maternity home at meetings of social agencies or social workers.
6. Assumes responsibility for (a) the work assignment and supervision of casework staff and (b) arranging individual and group conferences with other staff in the maternity home and in other agencies.
7. If responsible for supervision of group work staff, assumes responsibilities for that program and staff, similar to those listed above.

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30103 (Continued)

A Casework Supervisor or a caseworker with supervisory responsibilities shall have the following qualifications:

1. Successful completion of a two-year curriculum in social casework or in social group work in a graduate school of social work accredited by the Council on Social Work Education.
2. A minimum of three years within the last ten years of successful paid experience in the field of family or child welfare with some experience in work with unmarried mothers and in planning, supervising and coordinating the work of other caseworkers. Two years' experience as a social group worker in a maternity home may be substituted for two years of the required paid experience if all other qualifications can be met.
3. Knowledge of the casework process, medical information, and social work literature, including that relating to casework with unmarried mothers.
4. A good working knowledge of supervisory and administrative practice, with ability to formulate policy and procedure; to plan and direct the provision of sound casework services; to secure effective service from casework staff; to develop good working relationships with other social agencies and community groups; and to interpret the program of the maternity home effectively.

30105 CASEWORKER

Each maternity home shall have one or more caseworkers who provide under supervision, a casework service consistent with the requirements in Secs. 30231 - 30243.

Caseworkers not employed by the maternity home in this capacity on November 15, 1954, shall have the following minimum qualifications:

1. Completion of at least one-half of the curriculum in social casework in a graduate school of social work accredited by the Council on Social Work Education.
2. A minimum of two years within the last ten years of successful full-time paid employment in a casework capacity in the field of family or child welfare, with some experience in working with unmarried mothers; or a minimum of one year's experience of this type if the full curriculum of an accredited graduate school of social work had been completed.

A caseworker responsible for the supervision of one or more members of the casework staff shall meet the qualifications for a Casework Supervisor. (See Sec. 30103.)

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30107 GROUP WORK STAFF - BASIC REQUIREMENTS

Every maternity home shall secure the services (through employment, assignment or other arrangements) of at least one person who meets the qualifications and performs the duties listed in Sec. 30109 or 30111.

30109 SOCIAL GROUP WORKER

If this classification is used, the duties of the person assigned shall include the following:

1. Assists in formulating policy and procedure which facilitates the development of a social milieu in which girls can develop constructive patterns of personal and community living.
2. Assists other staff in providing group experiences that will help individual girls achieve better personal and social adjustment (i.e., by meeting their need for acceptance and recognition, a sense of "belonging," an opportunity to express and modify hostile feelings, experience satisfying relationships, etc.).
3. Acts as a leader or "enabler" in group sessions and as a "limiter" when the behavior of an individual girl imperils her acceptance or the purpose of the group.
4. Interprets to other staff, the personal and social needs of girls observed in group sessions or in individual conferences about group activities.
5. If indicated, performs duties listed for a Recreation or Group Worker. (See Sec. 30111)

A social group worker must possess (1) the personal qualifications required for all casework staff (Sec. 30101) and (2) the following:

1. Successful completion of a two-year curriculum in social group work (or in social casework if this curriculum has included field work and a substantial number of courses in group work) in a graduate school of social work accredited by the Council on Social Work Education.
2. A minimum of two years within the last ten years, of successful experience in a social agency. This experience shall have included at least one year in the practice of social group work.

(Continued)

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30109 (Continued)

3. Thorough knowledge of the group work process, and of literature in the field of social work and in social group work. Familiarity with modern social work concepts relative to the problems and treatment of unmarried mothers.
4. Ability to plan and facilitate group activities designed for purposes of education, recreation or treatment and to help develop a social climate in the maternity home, which will enable individual girls to become more effective social beings.
5. Ability to understand individual needs expressed in group activities, to participate in defining the shared and separate responsibilities to be carried by various members of the staff and to work within assigned limits in contacts with individual girls.

30111 RECREATION WORKER OR GROUP WORKER

A maternity home which does not have a social group worker shall have one or more persons whose duties include the following:

1. Under supervision, (a) plans and facilitates a program of group activities which will meet the educational, recreational and the religious needs of resident girls and (b) coordinates this program with other services.
2. Recruits, supervises and coordinates the work of any volunteers needed for the group activity program.
3. If indicated, teaches crafts and skills and provides leadership in recreational activities.
4. To the extent possible, performs other duties listed for a social group worker. (See Sec. 30109)

When a maternity home has a social group worker, and one or more recreation or group workers, appropriate duties shall be assigned as indicated.

A recreation or group worker shall have the following minimum qualifications:

1. College graduation with specialized training in recreation, guidance, counseling, education or social work.
2. A minimum of two years within the last ten years of successful paid experience in a recreation or group work agency with demonstrated ability to teach crafts and other skills and to direct recreational activities.
3. Knowledge of the principles, techniques and literature in supervised recreation and group dynamics. Familiarity with and acceptance of modern social work concepts relative to the problems and treatment of unmarried mothers.
4. Abilities approximating those of a social group worker. See Items 4 and 5 in qualifications listed in Sec. 30109.

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30113**PSYCHIATRIC, PSYCHOLOGICAL AND RELIGIOUS SPECIALISTS - BASIC REQUIREMENTS**

Every maternity home which does not receive all needed psychiatric and psychological service from a mental hygiene clinic or another social agency shall secure the services of one or more psychiatrists and psychologists who (1) meet the qualifications listed in the next sections and (2) provide the services required by Secs. 30251 - 30255.

Any maternity home whose resident program includes intramural religious services or group sessions shall take responsibility for insuring that these sessions are conducted by persons who meet the qualifications listed in Sec. 30119.

(See Handbook for appropriate duties for these specialists.)

30115**PSYCHIATRIST**

A psychiatrist whose services are made available under the auspices of a maternity home shall meet the following qualifications:

1. Graduation from a medical school approved by the Council on Medical Education and Hospitals; licensed to practice medicine in California and eligible for certification by the American Board of Psychiatry and Neurology.
2. A minimum of two years' experience as a psychiatrist in a child guidance or mental hygiene clinic, or as a consulting psychiatrist to another social agency.
3. Knowledge of and respect for the profession of social work and a willingness to work cooperatively with members of the casework staff.
4. Sympathetic understanding of the problems involved in pregnancy out of wedlock, acute awareness of his own feelings about sexual deviation, illegitimacy and adoption; freedom from any personal need to impose his own values on persons served, particularly in areas relative to the future of the child; true respect for individuals and a firm conviction about their right of self-determination.
5. Unusual sensitivity to the feelings of others; ability to establish a professional relationship quickly and to form valid diagnostic impressions in one or two interviews.

30117**PSYCHOLOGIST**

A psychologist whose services are made available under the auspices of a maternity home shall meet the following qualifications:

1. A Master's Degree in Clinical Psychology from a college or university accredited by the American Psychological Association, with practicum courses in administering individual psychological tests.
2. A minimum of two years' successful experience as a psychologist in a child guidance clinic or mental hygiene clinic.
3. Personal attributes identical with those required for a psychiatrist. (See Item 4 in Sec. 30115)
4. Unusual sensitivity to the feelings of others; ability to establish a professional relationship quickly, to evaluate the emotional factors in a girl's responses and to determine the validity of test results obtained.

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30119

CHAPLAIN OR RELIGIOUS COUNSELOR

Any minister, priest, rabbi or other religious leader whose services are provided under the auspices of the maternity home shall meet the following qualifications:

1. Educational achievement prescribed by the religious order, national organization or church with which he is affiliated, or by the Board or Advisory Committee of the maternity home.
2. Extensive experience in religious counseling, with demonstrated ability to work successfully with young people in groups and in individual contacts.
3. Real understanding and acceptance of human behavior, a sympathetic attitude towards the problems involved in pregnancy out of wedlock, and a religious philosophy which will permit the assumption of a supportive and helping role without any need to inflict punishment or augment guilt.
4. A warm and friendly manner; freedom from any personal need to impose his own values on persons served, particularly in areas relative to the future of a child; true respect for individuals and a firm conviction about their right of self-determination.
5. Knowledge of and respect for the profession of social work; knowledge of the function of a caseworker and willingness to be of help to persons served by the maternity home without assuming the role of the caseworker or of other members of the staff.
6. Ability to plan and conduct religious services which have beauty, dignity and warmth, can symbolize the comfort and strength to be derived from a satisfying religious experience, and will meet the spiritual needs of the particular group assembled.
7. Ability to plan and conduct informal group sessions in which questions relating to religious concepts can be discussed, and the application of these concepts to problems of modern living, clarified.

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30121 HOUSEMOTHER

Every maternity home shall have at least one staff member who lives in the residential quarters and performs the duties listed below.

If the maternity home does not use this classification, the Assistant Director, social group worker, resident nurse or Administrative Housekeeper may act as housemother. In homes licensed for less than 20 girls, the Executive may elect to serve in this capacity.

The duties of the person assigned shall include the following:

1. Makes certain that the residential quarters are maintained in an orderly manner without sacrifice of a homelike atmosphere, and that well-prepared meals are served on time.
2. In cooperation with professional staff, develops plans for the assignment of resident girls to household chores, makes appropriate assignments and insures that they provide a continuous learning experience.
3. Takes responsibility for knowing that house rules are observed to a reasonable degree, and makes any necessary modification in work assignments or the daily schedule to facilitate the use of professional services or insure maximum benefit from the resident program.
4. Reports significant changes in the physical or emotional condition of resident girls to appropriate professional staff; suggests that girls discuss their problems with the caseworker and cooperates with professional staff in implementing treatment plans.

If the above duties are not performed by a member of the administrative or professional staff, the person assigned must meet fully the personal qualifications recommended for an Administrative Housekeeper. (See job specification in Handbook Sec. MH-143.10.)

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30123

CLERICAL STAFF

Every maternity home shall have clerical staff sufficient in number and competency to (1) conserve the time of the professional staff, (2) insure the maintenance of adequate records (3) protect financial resources and (4) contribute to effective public relations through the preparation of needed reports and interpretative material.

Provision shall be made for some pattern of job classifications which includes the duties customarily performed by a bookkeeper, receptionist, stenographer and/or clerk-typist.

Girls served by the maternity home shall not perform any clerical work which will necessitate access to confidential information.

All clerical staff shall have the following personal qualifications in addition to those listed in Sec. 30083:

1. Capacity to protect the confidentiality of information available to them through the records of the maternity home, and through the performance of assigned duties.
2. Ability to work within defined limits without assuming the functions or responsibilities of other members of the staff.
3. Ability to use tact and courtesy in all contact with other members of the staff, with persons using the services of the maternity home, and with the general public, even when assigned work is interrupted.

30125

HOUSEKEEPING AND MAINTENANCE STAFF

Every maternity home shall have housekeeping and maintenance staff sufficient to:

1. Provide at regular hours, well-balanced, attractively served meals planned to meet the nutritional needs of pregnant girls and unmarried mothers.
2. Maintain buildings and grounds in a safe, sanitary, comfortable and attractive condition.
3. Plan for purchase of the food, supplies and equipment needed.

Housekeeping staff in direct contact with girls served by the maternity home shall be selected for their personal attributes, as well as for their skill in performing assigned duties. (See job specifications for Administrative Housekeeper in Handbook Sec. MH-143.10.)

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30127

RELIEF STAFF

Each maternity home shall develop a staffing pattern which insures that:

1. Nutritious meals will be prepared and served regularly every day.
2. Adequate medical and nursing care will be available at all times.
3. Some competent adult with necessary authority and skill will be on duty to take appropriate action when emergencies arise, and to provide necessary supervision on weekends and at night.

Relief staff shall be a part of the regular staff, familiar with the program and with their assigned duties.

30129

STAFF DEVELOPMENT

Each maternity home shall make provision for an orderly process of staff development which includes:

1. Appropriate orientation to the philosophy and objectives of the maternity home, as well as to assigned duties.
2. Continuous inservice training designed to (a) develop potential competence to a maximum degree; (b) coordinate the job performance of all persons serving the maternity home and (c) improve the quality of service provided.

All persons who participate in any phase of the program shall be given appropriate induction and training.

Whenever possible, provision shall be made for persons who provide a part-time service (specialists, teachers, volunteer recreation leaders, relief staff, etc.) to participate in appropriate phases of the inservice training program provided for full-time staff (i.e., staff meetings; individual and group conferences, etc.).

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30131 PERSONNEL PRACTICE

Each maternity home shall define its personnel practice in regard to the following:

1. Residence Requirements
2. Hours
3. Vacations
4. Sick Leave
5. Insurance and Retirement
6. Physical Examinations
7. Salary Schedules
8. Job Specifications
9. Job Assignments
10. Probation
11. Termination of Service
12. Records
13. Periodic Evaluations

30133 PHYSICAL EXAMINATIONS

Each staff member shall be in good physical and mental health.

Before employment, each prospective employee shall submit a satisfactory written report of a recent physical examination made by a licensed physician. The physician's statement must certify that the job applicant is physically able to perform the required duties and is free from venereal disease, tuberculosis and all other communicable infections.

All employees who are in contact with infants or have responsibility for the preparation or serving of food shall have an annual physical examination.

The executive shall accept responsibility for insuring that (1) no staff member comes to work when ill (either with contagious disease, such as colds, or with other illnesses which would affect their performance or the health of other persons) and (2) that any employee showing symptoms of illness be excluded from work pending clearance from a physician or staff nurse.

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ARTICLE 4 BUILDINGS AND GROUNDS**30151 LOCATION**

Every maternity home shall be located in an area which insures safe and sufficient water, adequate drainage and sewage disposal, good fire protection and accessible public transportation.

The location shall afford easy access to other social agencies, hospitals, medical and mental health facilities, stores, churches, libraries and educational facilities.

30153 GROUNDS

The grounds shall be large enough to provide some space for outdoor living and for appropriate group activities in addition to the necessary service area.

30155 SAFETY AND SANITATION

The physical plant of every maternity home shall be safe.

Buildings and grounds shall be kept clean and sanitary.

All wall surfaces and floors shall be suitable for the type of room. Bathrooms and kitchens must have easily washable walls and floors.

Special precautions shall be taken in the storage of paints, oils and other inflammable material.

30157 HEAT, LIGHT AND VENTILATION

All rooms (including hallways and service units) shall be properly heated, lighted and ventilated.

30159 BUILDINGS - GENERAL REQUIREMENTS

The physical plant of every maternity home shall be suitable for the care of its residents and for the services included in its program. The degree of privacy afforded, the facilities available for group living, and the total atmosphere shall be conducive to effective use of these services.

Licensed maternity homes shall make all reasonable effort to meet current regulations at the earliest date possible.

When existing buildings do not meet the regulations in this chapter, a licensed maternity home shall modify their use to achieve the maximum degree of conformity possible without major alteration of the basic structure.

No building used by a maternity home shall provide space for (1) any services not related to the needs of pregnant girls, unmarried mothers or their infants or (2) residential care of any other persons.

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30161 NEW BUILDINGS

New buildings and buildings whose initial use occurs after September 1954, shall conform fully with the regulations in this chapter.

Plans for new buildings or for additions or major alterations to existing buildings shall be prepared by an architect (or by a licensed civil or structural engineer) and submitted to the State Department of Social Welfare for review and approval before construction is begun.

The State Department of Social Welfare shall be notified of the intent to occupy a building not previously used by the maternity home, and approval secured before purchase or lease is completed.

Drawings or sketches of the proposed use of existing buildings shall be provided on request.

All new buildings shall be arranged to facilitate effective and efficient service, and to provide an atmosphere of comfort, relaxation and friendliness. The possibility of achieving a homelike appearance and adequate opportunities for privacy shall not be sacrificed for the convenience of staff, or a goal of minimum cost.

30163 OFFICE SPACE

Every maternity home shall provide sufficient space for its business, clerical and managerial functions, and for the desk work of the administrative housekeeper and the records she must maintain.

Separate space shall be available for reception and waiting purposes.

Private offices shall be provided for the executive, the resident nurse and the casework staff. These offices shall be equipped with desks, comfortable chairs, private telephones and other items necessary to facilitate the performance of their duties.

Additional interviewing rooms shall be available for social workers from other agencies who serve persons in residence.

30165 MEDICAL EXAMINING ROOM

When a licensed hospital unit is not maintained, a properly equipped examining room shall be provided for the use of medical and nursing staff responsible for the medical and nursing care of girls in residence.

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30167 FACILITIES FOR RESIDENTS - VISITING ROOMS

A sufficient number of comfortably furnished visiting rooms shall be provided to allow girls in residence to receive and talk with visitors in private.

30169 LIVING ROOMS - RESIDENTS

Every maternity home shall have at least one living room which is comfortably furnished, centrally located, and large enough to allow free and informal use by all girls in residence.

30171 ROOMS FOR EDUCATIONAL, RECREATIONAL AND RELIGIOUS ACTIVITIES

At least one room for informal educational activities (craft classes, discussion groups, etc.) shall be provided.

One or more additional rooms must be provided for academic instruction so that students can be tutored individually or in groups without disrupting the informal educational activities provided for other girls.

When religious services are conducted under the auspices of the maternity home, a suitable room shall be available for this purpose.

30173 DINING ROOMS

Every maternity home shall provide an attractive dining room of sufficient size (approximately 15 square feet of floor space per person) to accommodate comfortably the entire resident group when seated at small tables.

The dining room shall be located near the kitchen to insure rapid and efficient serving of food.

Silverware and attractive dishes in good condition shall be used at all regular meals. Cracked or chipped dishes or glassware shall not be used because of health hazards.

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30175 KITCHEN

Every maternity home shall have a kitchen large enough to accommodate the equipment and personnel needed to prepare and serve the number of meals required.

The kitchen shall be arranged and equipped to insure convenient operation, healthful working conditions, sanitation and control of noise, heat and odor. Suitable equipment for the preparation and serving of meals, for the proper refrigeration of perishable foods and for the necessary washing and sanitizing of dishes and utensils, shall be provided.

Adequate storage space shall be provided for food supplies and for dishes and silverware not in use. Such storage space shall be clean and dry, and provide protection from insects, rodents, dust and other contamination.

Proper disposition shall be made of garbage and trash.

30177 SLEEPING QUARTERS - RESIDENTS

The number of sleeping rooms shall be sufficient for each girl in residence to have comfortable and attractive quarters that assure as much privacy as the plant will currently permit.

In all new buildings, the majority of sleeping rooms shall be constructed for single or double occupancy. No rooms shall be designed to accommodate more than four persons.

In all existing structures, a maximum number of rooms shall be made available for single or double occupancy. When continued use of existing dormitories is necessary, optimum privacy must be afforded through the use of removable walls, partial partitions, screens or the arrangement of furniture.

Every single room shall contain a minimum of 100 square feet of floor space. In double rooms and those accommodating more than two persons, the minimum shall be 70 square feet of floor space per person.

Every room shall have at least one outside window. The total window area must be equal to $1/8$ of the floor space and never less than 16 square feet.

All sleeping rooms shall be near lavatory, bath and toilet facilities, and within easy access to the living, dining and recreation facilities.

Each sleeping room shall be pleasant and cheerful, and furnished in a manner which will insure comfort for sleeping purposes and for use as a sitting, reading and study room.

The furniture in each room must include an individual bed, a table or desk, comfortable chairs, reading and bedside lamps and adequate space for clothing and personal belongings. Adequate closet and storage space shall also be provided.

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30179 ISOLATION ROOMS

A sufficient number of single sleeping rooms (equipped with connecting private baths) shall be held in readiness (1) for the use of girls admitted to the residential quarters prior to a complete medical examination, the receipt of reports on laboratory tests for communicable disease, or treatment necessary to insure the absence of communicable infection and (2) for the use of other girls who develop symptoms of illness and will require separate care until they have recovered their usual health, or other plans for treatment have been developed.

30181 FACILITIES FOR MOTHERS AND INFANTS

The residential quarters (or another facility operated for this purpose) shall have a sufficient number of rooms available for the post-partum care of mothers who request such care or wish to remain with their babies for a period of more than 10 days.

Whenever possible, the rooms provided for mothers who plan to keep their babies shall have sufficient space and equipment to permit the infant to share his mother's room. Single rooms shall be used for this purpose and shall meet the requirements for sleeping rooms of this type. When their size does not permit the installation of all furniture and equipment necessary for the care of a baby, a nearby room for bathing, etc., shall be provided.

If "rooming-in" arrangements are not possible in the current physical plant (or in a separate facility for post-partum care), space and equipment for a nursery for babies being kept by their mothers shall be provided in the residential quarters or in the hospital unit. The nursery established for this purpose shall be so located that a mother will find it convenient to assume total or partial responsibility for the care of her child. If in the hospital unit, this nursery shall be separate from the nursery for the newborn.

30183 BATH, LAVATORY AND TOILET FACILITIES - RESIDENTS

Adequate bath, lavatory and toilet facilities shall be available to meet the needs of all persons in residence.

At least one toilet and lavatory shall be located near the living and recreation rooms.

Private baths must be provided for all single rooms allocated for isolation use.

In addition, toilet, bath and lavatory facilities convenient to the bedrooms shall be provided in the following minimum ratio:

1. Toilets and showers (or tubs) - one each for every 10 residents.
2. Lavatories - one for every five residents. Each toilet unit must have a lavatory.

Provision must be made for privacy in all bath and toilet rooms. In rooms intended for multiple use, each toilet and shower shall, therefore, be enclosed in a cubicle or protected in some way by a door or curtain.

30185 LAUNDRY AND SERVICE UNITS

Suitable and adequate laundry and pressing facilities shall be available for the convenience of resident girls.

Unless a commercial laundry is used, suitable space and equipment shall be provided to launder institutional linens in a safe and efficient manner.

Sinks necessary for the proper performance of maintenance work shall be provided. Kitchen sinks shall not be used for washing of cleaning cloths and mops, for the disposition of scrub water, etc.

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30187 STORAGE ROOMS AND CLOSETS

In addition to the storage space available in sleeping rooms, adequate storage space of the following types shall be provided:

1. Storage rooms close to the kitchen, for food bought in quantity. Such rooms must provide protection from mold, insects and rodents.
2. Storage rooms or closets for linen.
3. Storage closets for cleaning equipment and supplies.
4. Storage space for supplies and equipment used by maintenance and yardmen.
5. Storage space for luggage, outdoor or extra furniture, equipment, etc.
6. Lockers or other available space for the safekeeping of work clothing, street clothing and personal belongings of nonresident staff. (Also a requirement of the State Department of Industrial Relations.)

30189 STAFF FACILITIES - RESTROOMS

An adequate number of restrooms for employees and guests shall be provided.

Restrooms designated for staff use shall be equipped with a comfortable couch, and shall meet all other requirements established by the State Department of Industrial Relations.

Wash basins, toilets and necessary supplies shall be available in all restrooms.

30191 STAFF QUARTERS

Bedrooms for resident staff shall meet the requirements for sleeping rooms of girls in residence.

Private bath and toilet facilities reserved for the use of resident staff must be provided adjacent to, or near their bedrooms.

Rooms provided for resident staff on call in a supervisory or counseling capacity shall be close to the rooms of the resident girls to insure the availability of an adult when a girl becomes emotionally disturbed or labor begins outside the regular working hours of professional staff.

SUB-CHAPTER 3 CARE SERVICES

ARTICLE 1 ADMISSION POLICIES AND PROCEDURES

30211 ADMISSION POLICIES - BASIC REQUIREMENTS

Each maternity home shall define the requirements for admission and the procedures to be used in determining eligibility to service.

If services are provided for girls not accepted for resident care, the factors which govern eligibility to these services shall also be defined.

These statements shall govern (1) acceptance of applications and (2) interpretation of the maternity home program to girls requesting service, to other agencies and individuals attempting to locate a resource for a particular girl, and to the general public.

Every maternity home shall state its admission criteria in writing and make such written policies available to the public.

30213 NONDISCRIMINATION ADMISSION POLICY

The written admission policy shall include a statement that the maternity home is operated on a nondiscriminatory basis, according equal treatment and access to services without regard to race, color, religion, national origin, or ancestry. An otherwise eligible girl may not be excluded on the basis of these characteristics, except as indicated below.

A nonprofit maternity home established to serve an identified group may serve this group, but shall not discriminate within the group on the basis of race, color, religion, national origin, or ancestry.

A religious group may elect to serve girls of a particular religious faith, but may not discriminate within the group on the basis of race, color, national origin, or ancestry.

Until July 1, 1965, licenses granted to any maternity home failing to meet the department's standards pertaining to nondiscrimination shall be limited to authority to care for those persons under care at the time the finding of nonconformity is made.

30215 APPLICATION OF FEE SCHEDULE

Each maternity home shall define the way in which the fee schedule required by Section 30067 is to be used by the casework staff in determining the amount of reimbursement which each girl will be expected to make for the services she receives.

30217 USE OF A SOCIAL SERVICE EXCHANGE

Each maternity home shall establish written procedure to govern the practice of staff in use of a Social Service Exchange.

30219 INTERAGENCY REFERRAL AND COORDINATION OF SERVICE

Each maternity home shall establish written procedure to govern the practice of staff (1) in referring pregnant girls and unmarried mothers to other social agencies and health facilities and (2) in defining the general nature of the service the maternity home will give when another agency is providing simultaneous or subsequent service.

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ARTICLE 2 CASEWORK SERVICES

30231 BASIC REQUIREMENT

Every maternity home shall make casework service available to each girl considering use of its services or accepted for service.

The casework program shall be designed to help a pregnant girl:

1. Secure the individualized services necessary to meet her current needs.
2. Achieve a more mature, satisfying and socially acceptable way of life.
3. Develop a plan for her baby which will promote his optimum development.

30233 INTAKE PROCESS

Each maternity home shall make provision for an intake service which includes the following:

1. An information service available to any pregnant girl and to any person or agency interested in her welfare which will explain:
 - a. The services of the maternity home, the conditions under which needed services can be made available and the confidential nature of any information obtained by the maternity home.
 - b. The services of any other agency that may seem more appropriate.
2. An initial interview, promptly arranged, with each pregnant girl interested in possible use of any service provided by the maternity home.
3. Any additional interviews with a girl, necessary to (a) help her decide whether she wishes to use the services of the maternity home and if so, the kind of service which will best meet her needs (i.e., resident care, nonresident living arrangements and/or outpatient services) or (b) determine her eligibility for service.
4. Other interviews which a girl may request or agree would be helpful. These may be interviews with her parents, the alleged father, physician, attorney, etc. When indicated, they may also include conferences with other staff in the maternity home and/or contacts with another agency to determine whether needed services can be made available and if so, under what conditions.
5. Decision about whether a girl who wishes the service of the maternity home can be accepted for care, and if so, the point at which the requested service can be initiated.
6. Development of appropriate arrangements for admission or initiation of service for girls accepted for care.

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30235

CONTINUING CASEWORK SERVICE

Continuing casework with a girl accepted for residential care or outpatient service shall be designed:

1. To maintain a supportive relationship which can help her face the realities of her situation and utilize available resources.
2. To help her express and understand her feelings about her pregnancy, the father of her child, the child, and her relationships with key people in her life.
3. When appropriate, to help her understand any pre-existing problems which may have precipitated her pregnancy, or complicate her present situation.
4. When indicated and the girl consents, to help her family and/or the father of her child to understand their feelings about her pregnancy and how best to help her.
5. To help her attain feelings of self-respect and self-worth, more satisfying relationships with others, and better capacity to use her strengths for constructive living.
6. To help her make a sound plan for her own future and take any steps now possible toward carrying out this plan.
7. To help her reach a decision about a suitable plan for her child (if possible, by the time of his birth or shortly thereafter) and to take steps toward carrying out this plan.
8. To identify her need for special services and to coordinate the resources of the maternity home and the community to meet her individual needs.

30237

USE OF NONRESIDENT LIVING ARRANGEMENTS - BASIC REQUIREMENTS

Each maternity home shall define clearly, the responsibility its staff will assume in helping a pregnant girl or unmarried mother to make arrangements to live outside the maternity home.

If the maternity home assumes any direct responsibility for developing plans for girls to live in wage homes and/or foster homes, this service shall be provided by qualified casework staff and shall conform to the requirements listed in Secs. 30239 and 30241.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

30239

STUDY OF FOSTER HOMES AND WAGE HOMES

A maternity home which assumes responsibility for recruiting wage homes and/or foster homes shall make a careful study of each such home before entering into any plans for its use. This requirement is applicable even when a "free home" will be provided or a home made available in return for services rendered.

The process through which the maternity home determines the ability of applicants to meet the needs of the girls served shall include the following steps:

1. Application Interview

This interview shall have as its objective, the sharing of information which will (a) permit the applicants to determine whether they wish to engage in a study of their home and (b) allow the caseworker to make a tentative decision as to whether the home could meet the needs of a girl served by the maternity home.

2. Home Visits

One or more home visits shall be made to become acquainted with all members of the family, evaluate the physical facilities and gain an understanding of what it would be like for a pregnant girl or unmarried mother to live in this home.

3. Contacts with Collateral Sources

These contacts shall include appropriate methods to insure the absence of communicable disease.

4. Evaluation of Findings

When all needed information has been secured, the findings shall be evaluated to determine the suitability of the home for the care of a pregnant girl or unmarried mother.

No home shall be approved for use when there is indication a pregnant girl or unmarried mother (a) might be exploited for her services; (b) is desired in the hope of securing a child for adoption (by the applicants, their relatives or friends) or (c) is wanted to fulfill an abnormal emotional need, or to contribute to the happiness of any member of the family in a manner detrimental to the girl's welfare.

Wage homes shall be rejected when the applicants will not (a) provide suitable compensation for service rendered; (b) allow adequate "time off" to permit a girl to keep appointments at the maternity home for casework interviews and medical examinations, and (c) share the objectives of the maternity home.

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30241 PLACEMENT SERVICE

A maternity home which accepts responsibility for developing plans for older pregnant girls or unmarried mothers to live in family foster homes or wage homes, must provide a responsible placement service geared to meet the needs of the individuals served. (A maternity home cannot assume responsibility for the selection of a nonresident living arrangement for any girl less than 16 years of age, or for the placement of any infant.)

In providing a placement service, it shall be the responsibility of the caseworker:

1. To find a foster home or wage home suited to the individual needs of the girl or woman.
2. To help the girl understand what it will be like for her to live in this particular home, and what will be expected of her.
3. To participate in the placement process.
4. To stand by and provide supportive help as the girl finds her place in the home selected for her.
5. To carry responsibility directly or indirectly for her well-being while she remains in the home selected for her.
6. To make available to her the same quality of casework service provided for girls resident in the maternity home.
7. To coordinate and facilitate her use of other services provided by the maternity home.
8. To facilitate her constructive use of this experience by maintaining a continuing relationship with her foster parents to help them understand the girl's needs, her physical and emotional condition and the plans for her future care.

30243 DISCHARGE AND POST-DISCHARGE SERVICES

Each maternity home shall define in general terms, the usual point at which casework services will be terminated.

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

ARTICLE 3 PSYCHIATRIC AND PSYCHOLOGICAL SERVICES

30251 GENERAL REQUIREMENTS

Each maternity home shall develop some arrangement to insure that necessary psychiatric and psychological services will be available for girls accepted for service.

A maternity home which does not employ a psychiatrist and a psychologist with the qualifications required by Secs. 30115 and 30117 shall make certain that any needed psychiatric and psychological service will be provided by a child guidance or mental hygiene clinic, or some other agency which has staff meeting these qualifications.

30253 PSYCHIATRIC SERVICE

The following psychiatric services shall be available when needed:

1. Diagnostic interviews with any girl whose behavior or evident emotional conflict indicates need for psychiatric help in formulating plans for casework treatment and/or the future care of the girl and her child.

For each girl interviewed, the service given by the psychiatrist shall include an interpretation of relevant material to the casework staff, and assistance in formulating plans for treatment or for future care of the girl or her child.

2. Treatment of any girl whose emotional disturbance is so great that she is unable to use casework help in developing an effective plan for her future or that of her baby.

A maternity home employing casework staff shall also make regular psychiatric consultation available to that staff.

30255 PSYCHOLOGICAL SERVICE

The services of a psychologist shall be available to the casework staff whenever information about the mental equipment of a pregnant girl or unmarried mother is essential to the development of (1) an appropriate plan of treatment and/or (2) suitable educational and vocational plans.

Any arrangements made with a qualified psychologist or mental hygiene clinic shall include provision for:

1. Written reports which interpret the results of tests given, evaluate the validity of the test results, and make recommendations in accordance with the reason for referral.
2. Any consultation with the casework staff needed to supplement the written report and interpret the significance of tests or other information secured.

Whenever a girl is referred for testing, the casework staff shall provide the psychologist with a brief written summary which (1) explains the reason for referral, (2) gives identifying data and (3) includes sufficient social history to provide a basis for evaluating the validity of the test results.

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(Pursuant to Government Code Section 11380.1)

ARTICLE 4 CASE RECORDS

30271 BASIC REQUIREMENT

Each maternity home shall establish and maintain an adequate record for each girl who requests its services or is referred by another person or agency.

30273 CONTENT OF CASE RECORDS

Case records of girls accepted for service shall include the following material:

1. Face sheet information: full name, birth date, address, race, religion, education, occupation; names and addresses of parents and other relatives if known; name and address of alleged father if known; legal custody if applicant is minor; and name of any referring agency.
2. Other identifying information which may be of value in later years (i.e., appearance and characteristics of the girl and the alleged father; significant background information, etc.).
3. The intake process, promptly recorded, with whatever appears important for diagnosis and treatment included.
4. Selective recording of diagnostically significant information obtained in casework interviews with the individual girl, her parents, the father of her child and other individuals concerned with her welfare.
5. Brief recording of diagnostically significant information received from other persons about the behavior, adjustment and plans of the girl, and events which have importance for her and her baby.
6. Reports or summaries of physical examinations and psychological tests, if given.
7. Summary recording of case conferences held with other members of the staff and with representatives of other agencies, including all recommendations made for care and treatment of the girl or her baby.
8. Information regarding the baby, including the date of delivery; information about the delivery experience; the name, sex and health of the baby; and any information relative to significant events, such as baptism, etc.
9. Correspondence of permanent value, referral summaries, financial and other agreements, etc.

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30275

PROTECTION OF CASE RECORDS

Case records shall be kept in a locked file available to members of the professional staff only.

Great care shall be taken to impress on all members of the staff, the confidential nature of case records.

While in current use, medical records may be maintained separately for the convenience of medical and nursing staff. After a girl and her child are discharged, however, these records must be placed in the case record to form a complete history of the maternity home's contact.

30277

RETENTION OF CASE RECORDS

The maternity home shall keep permanently all case record material which contains identifying information or social or medical history regarding each mother and child unless it has verified the fact that legal adoption has been completed, and that the same information is available in the adoption record. Even then, the maternity home must permanently retain identifying information, the dates of service, the name and address of the agency which handled the adoption and whether it was an independent or relinquishment adoption.

ARTICLE 5 RESIDENT PROGRAM

30291 BASIC REQUIREMENTS

The resident program shall have the following objectives:

1. To provide a setting which will facilitate use of professional services designed (a) to meet emotional, medical, spiritual, educational and recreational needs during pregnancy; (b) to prepare the girls served for a more mature, emotionally satisfying and socially acceptable way of living and (c) to provide for their babies the services necessary to protect their rights and promote their optimum development.
2. To provide an experience of living with other girls with similar problems which can alleviate guilt, decrease hostility, increase self-esteem and self-understanding and provide an opportunity for companionship, and for participation and self-expression in group activities.
3. To make possible (a) a process of daily association with staff possessing qualities worthy of emulation; (b) an opportunity to develop satisfying relationships with adults who are well-adjusted in their own lives and (c) a means by which daily living experiences can be used to foster the personality growth of individual girls.
4. To provide an environment which will insure comfortable shelter, appropriate food, privacy, security, relaxation and freedom from pressures, with simultaneous opportunity for optimum self-direction, self-responsibility and self-determination.

Each maternity home shall define the methods and procedures to be used by staff in implementing these objectives.

House Rules established to govern the activities of girls accepted for resident care shall also reflect these objectives. (See Sec. MH-203.10 - Handbook.)

Any practice not in conformity with the spirit of these objectives (censorship of mail; prohibition against a girl's use of her own room during "free time"; undue restriction of freedom to leave the grounds or to receive visitors, etc.) violates the requirements of this section.

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30293 RELIGIOUS ACTIVITIES

The right to freedom of worship shall not be violated by any maternity home.

30295 WORK ASSIGNMENTS

Any assignment of resident girls to household "chores" shall reflect the following requirements:

1. The work program shall never be used as a substitute for adequate financing. The services of girls in residence shall not be used in lieu of adequate staff.
2. The work program shall be an integral part of the teaching and helping process inherent in the function of a maternity home. Work assignments must represent the best thinking of all members of the staff appropriately concerned with the welfare of an individual girl.

30297 INFANTS IN THE RESIDENTIAL QUARTERS

Each maternity home shall define clearly:

1. The conditions under which a baby will be brought to the residential quarters.
2. The responsibilities which his mother will be expected to assume for his care and those which will be carried by the resident nurse (and/or nurse's aides).
3. The extent to which an unmarried mother will participate in the program of group living when she returns to the residential quarters with her baby.

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ARTICLE 6 MEDICAL AND NURSING CARE

30311 GENERAL REQUIREMENTS

When a maternity home maintains a hospital unit, the equipment, personnel and quality of service provided in that unit shall meet fully the standards established by the State Department of Public Health. A current license for the hospital unit, issued by the State Department of Public Health, must be in effect.

If the maternity home does not have a hospital unit, arrangements must be made to secure appropriate medical and nursing services from (1) hospitals licensed by the State Department of Public Health; (2) hospitals which meet the standards established by the State Department of Public Health, if exempt by law from the licensing jurisdiction of that department and/or (3) professional persons who can meet the qualifications established for the medical and nursing staff employed by a maternity home. (See Sec. 30091 - 30099)

Regardless of the source from which necessary medical and nursing care is secured, each maternity home shall insure the availability of the services listed in this chapter.

30313 ADMISSION EXAMINATION

The practice of each maternity home shall meet the following requirements:

1. The medical and obstetrical history of each pregnant girl accepted for care shall be secured and recorded as soon as possible.

When prior medical care has been received during pregnancy, a report from the examining physician must be obtained if possible. (An exception may occur when current examination indicates that such a report would be of no value.)

2. A complete examination of each girl accepted for care shall be made by medical staff serving the maternity home, and results recorded in her medical record.

When a girl's need for resident care is emergent and immediate arrangements for a complete medical examination cannot be made, a physician or nurse shall determine whether she has a communicable infection of any type. When admission occurs under these circumstances, a complete medical examination must be made as soon as practical.

3. Proper safeguards shall be established to protect the health of other girls in residence whenever a girl is admitted to the maternity home prior to (a) the completion of a complete medical examination, (b) the receipt of reports on laboratory tests for communicable diseases or (c) the provision of any treatment necessary to insure the absence of communicable infection.

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30315

PRENATAL CARE

Provision shall be made for the following services:

1. Dental examination and any repair, extraction or treatment necessary to insure good health during pregnancy.
2. Regular examinations during pregnancy, in accordance with standards established by the American Medical Association.
3. Treatment when any abnormal condition in pregnancy is detected; consultation with specialists when indicated; and development of special arrangements for delivery whenever it is evident that unusual precaution or special procedures will be required.
4. A process through which the appropriate physician shares with other members of the staff (specialists, a caseworker and/or supervising nurse), his recommendations for individual girls as they relate to diet, exercise, rest, specialized treatment, work assignments, plans for delivery, discharge, post-discharge medical care, etc., in order that joint planning and decision can occur, and the total service of the maternity home can be coordinated.
5. A process through which significant changes in the physical and emotional condition of a pregnant girl are reported to the appropriate physician and/or caseworker by the resident nurse or another member of the resident staff.
6. Appropriate medical and nursing care when illness or symptoms of abnormality unrelated to the condition of pregnancy develop. Such care must include arrangements for isolation whenever infection is present or suspected, and for admission to the hospital unit or to an "outside" hospital when this step is necessary.
7. Interpretation of the hygiene of pregnancy, the physiological changes which occur, the events and the procedures used in examination and delivery, the importance of proper diet and nutrition, etc.
8. Supportive help in facing the experience of childbirth at the onset of labor and whenever needed in prior periods. (Such help will customarily be provided by a resident nurse and/or a caseworker in accordance with their defined functions.)
9. Prompt arrangement for admission to the hospital unit or another hospital facility at the onset of labor.

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30317 DELIVERY

Information about the delivery experience, plans for discharge and recommendations for the future care of the unmarried mother and her baby shall be shared with the appropriate caseworker in the maternity home.

If the maternity home does not maintain a hospital unit, the working agreement developed with a community hospital must insure that this information will be transmitted to an appropriate person in the maternity home. (The executive, nurse or physician responsible for the medical program may be designated to receive this information for transmittal to the caseworker.)

30319 POST-PARTUM CARE

Each maternity home shall take appropriate action to insure that:

1. No mother will be required to see, feed or care for her baby in the maternity home, unless this is her expressed desire, and that no mother will be deprived of these experiences if she requests them.
2. The final plan for the care of a baby results from the mother's own decision (although the help of a caseworker will be available to her), and that no member of the staff will exert direct or indirect pressure on any mother to keep or to release her baby for adoption.
3. No mother will be required to remain in either the hospital unit or the residential quarters of the maternity home for any specified period, and that the date of discharge recommended will be the joint decision of the attending physician and the caseworker, based upon the mother's physical condition, her own wishes, and the plans developed for her future care and that of her baby.
4. Appropriate care will be available for any mother discharged from a hospital or hospital unit, until such time as she can regain her strength and can make plans for other living arrangements.
5. Any mother planning to keep her baby or requesting additional time to make a decision in this regard, can obtain for herself and her baby, appropriate care, medical supervision, treatment and instruction in proper methods of infant care in the residential quarters of the maternity home (or in another facility operated for this purpose) for the period of time required to implement her plans for the baby's care. (For some girls, the caseworker may need to establish reasonable time limits in regard to the duration of such care.)
6. A complete medical examination and any needed medical counseling and/or treatment is made available to any mother wishing to use this service within a six week period following delivery.

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30321

CARE OF INFANTS

The care provided for infants shall meet the following requirements:

1. Care in a nursery for the newborn shall meet the standards established by the State Department of Public Health.
2. Every baby shall be held by a nurse or attendant while being fed unless the infant is taken to his mother for feeding purposes. Adequate time for sucking must be allowed. If the infant is not receiving care from his mother, it shall be the assigned responsibility of a nurse or nurse's aide to hold and give attention and affection to each baby at regular intervals. To the extent possible, a baby shall be fed and held by the same person throughout the period of his care in the maternity home.
3. Provision shall be made for the usual removal of well babies from the newborn nursery, on or before the tenth day of life, with the expectation that babies to be placed in foster homes will be removed by the appropriate child placing agency before the expiration of this period, and that babies who will remain with their mothers will be transferred to a facility in which their mothers can assume total or partial responsibility for their care.
4. Medical supervision shall be provided for all infants not receiving care in a nursery for the newborn and appropriate medical treatment given to any infant who shows symptoms of illness or physical abnormality.

Such supervision must include (a) issuance of orders for feeding and for the preparation of formulae and (b) development of arrangements for the isolation of any infant in residence who is found to have or is suspected of having, a communicable condition.
5. The appropriate physician shall share with the caseworker, his recommendations and evaluations relative to each infant (desired changes in the feeding plan; physical and mental condition of the baby; recommended discharge date; post-discharge medical care; etc.) in order that joint planning and decision can occur.
6. Infants not receiving care in a nursery for the newborn shall be supervised by a registered nurse who will also assume responsibility for helping their mothers to practice proper methods of infant care, and for referring to the appropriate physician, any infant whose progress or development is not satisfactory.

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30323 MEDICAL AND NURSING RECORDS

Medical and nursing staff shall establish and maintain the following records:

1. A medical record for each pregnant girl or unmarried mother who received a medical service from the maternity home. This record shall include her health history before and after acceptance for care and a record of the medical and nursing care received.
2. A complete medical record and health history for each infant born in or brought to, the maternity home. This shall include duration of labor; type of delivery (and whether an instrument delivery); whether baby received oxygen and if so, for how long, and any other significant information regarding labor, delivery, medication and medical care while in the maternity home.

30325 BIRTH REGISTRATION

For all infants born in the maternity home, the physician in attendance shall complete the birth certificate required by Chapter 3 of Division 9 of the Health and Safety Code, and cause the required form to be filed with the appropriate registrar of vital statistics.

ARTICLE 7 NUTRITION, CLOTHING AND PERSONAL NEEDS

30341 NUTRITION

Food for proper nutrition during pregnancy shall be made available to safeguard the health of every pregnant woman, and insure the normal development, safe delivery and survival of each infant.

Proper nutrition shall be insured through provision for:

1. Funds adequate to provide a prenatal diet rich in protein, minerals and vitamins.
2. Meals which are (a) properly balanced to meet the food requirements of the girls in residence, (b) well prepared, (c) cooked immediately before serving and (d) attractively served, at hours normal for family groups. If the heartiest meal is served at noon, breakfast and supper must also be well planned, complete meals.
3. Housekeeping staff sufficient in number, knowledge, experience and hours of employment to insure that (a) each meal will meet the above requirements, (b) special diets will be prepared in accordance with the recommendations of physicians and (c) any need for consultation with a professionally qualified dietician will be recognized and the service requested and used.
4. Staff appreciation of the emotional significance of food, and a willingness to utilize a team approach in developing a total treatment plan for pregnant girls and unmarried mothers whose behavior in relation to food indicates the presence of emotional problems. The development of treatment plans of this type must be insured through frequent staff conferences and through an in-service training program for all members of the staff.

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ARTICLE 8 RECREATION

30351 BASIC REQUIREMENT

The daily program shall be planned to insure that the following needs will be met for each girl:

1. The need for privacy, relaxation, and time to "take stock" in assessing the past and developing plans for the future.
2. The need for group activities which will provide group acceptance, recognition, and a sense of "belonging;" facilitate satisfying social relationships and a capacity to get along with other people; and develop new creative skills and leisure-time interests.
3. The need to retain maximum control of their own lives and to develop an increased capacity for self-direction and self-responsibility.

ARTICLE 9 EDUCATION

30361 BASIC REQUIREMENTS

Each maternity home shall provide academic instruction, informal educational activities and help in securing any needed vocational guidance and training. (Health instruction is also required by Sec. 30315.)

30363 ACADEMIC INSTRUCTION

Each maternity home shall make all possible effort to develop with the appropriate school district, some arrangement to insure that credit will be given for academic work completed at the maternity home.

30365 INFORMAL EDUCATIONAL ACTIVITIES

The program of informal educational activities shall be designed to serve the following purposes:

1. To make a girl's stay in the maternity home as interesting as possible.
2. To make available to each girl, information and skills which may prove useful in the future.
3. To provide constructive group experiences for each girl.

Opportunity for a choice of activities shall be provided and each girl permitted to make decision as to whether she will or will not participate in the program offered.

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CHAPTER 2 INSTITUTIONS FOR CHILDREN
SUB-CHAPTER 1 LICENSURE APPLICATION REQUIREMENTS
ARTICLE 1 LICENSING PROCEDURE

32001 RECEPTION AND CARE OF CHILDREN

Service to children and their families shall be the basic purpose of each institution licensed by the State Department of Social Welfare.

Licensing jurisdiction extends to child care facilities which provide care, or care and treatment for any or all of the following kinds of children: dependent, neglected, delinquent, problem behavioral and mildly retarded children.

An institution is defined as a 24-hour residential group care facility which is operated by a person, association or corporation. It is a child welfare service which provides care, or care and treatment for a child for a planned period when his own family cannot care for him for a temporary or extended period and another social treatment plan is neither desirable nor possible. Other characteristics of an institution may include: (1) operation at two or more locations; (2) care other than provided in a family home; (3) care provided by employed staff exclusively with the licensee continuously absent from the premises; (4) care for more than 15 children under 16 years of age; (5) care for a lesser number of children than 15 which is institutional in nature, with or without compensation.

If the institution is licensed as a multi-function agency, the following additional services may be given under separate license: (1) day treatment, (2) group home, (3) child placement, e.g., both foster homes and adoptions, (4) extra-mural service.

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32003 APPLICATION - LICENSING STUDY

The application form INST. 10 - Application for License, shall be completed and signed under penalty of perjury.

An application by an association or corporation shall bear the signature of the board president or other presiding officer. The application filed for an unincorporated proprietary facility shall be signed by each person who will assume any financial and/or administrative responsibility.

Upon receipt of an initial application, the SDSW shall:

1. Require fingerprinting of:

- a. Each applicant, other than an officer of a board of directors of a nonprofit organization.
- b. The director of the institution.
- c. Each applicant's spouse residing on the premises of the institution.
- d. Each applicant's spouse having financial or administrative responsibility for the facility.

2. Arrange for these persons to be fingerprinted by a person trained to take fingerprints.

3. Obtain criminal record clearance for these persons from the State Bureau of Criminal Identification and Investigation on Form CII-7.

If it is not possible to ascertain the criminal record or absence thereof by the fingerprint method, then resort to name check as a secondary, alternative method shall be made.

If a person's fingerprints are taken twice and both sets are not sufficiently clear to permit CII to effect clearance, use of the name check as a secondary, alternative method is permissible if the following conditions are observed:

- a. There is a completed, signed application on file which includes a statement as to whether or not the applicant has a criminal record.
- b. An entry is made in the licensing narrative record explaining effort to effect clearance by the fingerprint method and reason(s) for resorting to the name check.

Name check method shall also be used in unusual circumstances, e.g., if the person is physically unable to have fingerprints taken and is, in all other respects, qualified for a license.

- 4. Evaluate and make disposition of any such records received. (See Handbook Section CI-112.1.)
- 5. Request fire safety inspection from the State Fire Marshal.
- 6. Request a sanitary inspection.
- 7. Inspect the buildings.
- 8. Study the child care program of the institution.

A license will be issued to the legally responsible organization or person following a study of the institution by the State Department of Social Welfare that shows that an adequate program of care will be provided and that there is substantial conformity with the department's rules and regulations.

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32005 CONFORMITY TO RULES AND REGULATIONS, SUBSTANTIAL CONFORMITY

Institutions which demonstrate substantial conformity to the rules and regulations of the State Department of Social Welfare, but which fail to conform in every detail may be licensed only when the extent of deviation from the rules and regulations is small and when it is determined by the State Department of Social Welfare that licensing of the institution is in the best interest of the children involved. Renewal of a license issued on the basis of substantial conformity is contingent upon correction of deviations according to an agreed upon plan and/or continued determination that the deviations are not hazardous to the children.

32007 CONFORMITY WITH TERMS OF LICENSE

The license will specify the number and age range of children permitted and must not be exceeded.

The license will expire twelve months from the date of issuance or may be limited to a shorter period.

The license applies only to the organization or person to whom it is issued and to the buildings approved.

32009 REPORTS TO THE SDSW

Any accident involving serious injury to children and any major fire on the premises shall be reported to the State Department of Social Welfare within 48 hours. Verbal reports shall be followed in writing.

Whenever a change of the executive director is contemplated the State Department of Social Welfare shall be informed prior to the time the change is effected.

32011 BUILDING PLANS

Building plans for new buildings or additions to, or major alterations of existing buildings for the housing of children shall be submitted to the State Department of Social Welfare for approval before construction is started. (See Sections 32139 and 32153)

32013 CONSULTANT SERVICE

The State Department of Social Welfare maintains continuing consultation and study as a basis for making recommendations, issuing the annual license and assisting the agency and staff with problems and program planning.

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32015 RENEWAL OF LICENSE

The State Department of Social Welfare will make a licensing study of the institution, and evaluate the child care program of the preceding year before issuing a renewal license.

A renewal license shall not be issued unless:

1. Criminal record reports are on file for the applicant, other than an officer of a board of directors of a nonprofit organization, and for the director of the institution.
2. Criminal record reports are on file for the spouse of the applicant, if residing on the premises of the institution or having financial or administrative responsibility for the institution.
3. Criminal record reports are on file for the spouse of the director, if living on the premises of the institution.
4. Evaluation has been made of any criminal records which may exist, and it has been determined that the persons involved are of such good character that issuance of license is not legally precluded.

32017 REVOCATION OF LICENSE

No license will be revoked until the licensee has had a reasonable opportunity to achieve conformity with the regulations in this manual and the law.

A license will be revoked by sending a registered letter bearing the designation "Notice of Revocation" to the licensee. This letter will (1) state that the license is being revoked; (2) list the specific acts or conditions which constitute lack of conformity with regulations and the dates or time span involved; (3) establish a date for termination of operation; and (4) explain the right to file an appeal from this action within 30 days.

If an appeal is filed, further proceedings will be conducted in accordance with the Administrative Procedure Act, Sections 11500-11528 of the Government Code.

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SUB-CHAPTER 2 ORGANIZATION AND MANAGEMENT
ARTICLE 1 ORGANIZATION AND ADMINISTRATION

32031 GENERAL REQUIREMENTS - ALL INSTITUTIONS

The organization of every institution shall be such that legal responsibility is clearly defined and administrative authority specifically placed.

The persons responsible for the institution shall determine what children the institution can best serve, establish a program to serve these children and adopt policies which permit the admission of only those children who need what the institution has to offer.

A written statement of program shall include:

1. The purpose of the service.
2. The administrative framework for providing the service.
3. The conditions under which it will be made available.
4. Whether the service will be provided by the institution or secured from another agency.

The persons responsible for the institution shall review the program and admission policies at regular intervals to be sure that the program offered is needed by the children under care.

32033 INCORPORATED - INCORPORATED INSTITUTIONS

A copy of the Articles of Incorporation and Bylaws shall be filed with the State Department of Social Welfare.

32035 CONSTITUTION AND BYLAWS - UNINCORPORATED INSTITUTIONS

The governing board shall adopt a constitution, stating in broad terms the purpose of the institution.

Bylaws setting up specific policies and functions shall be adopted by the organization.

A copy of the constitution and bylaws shall be filed with the State Department of Social Welfare.

32037 GOVERNING BOARD MEMBERSHIP - INCORPORATED INSTITUTIONS

There shall be a minimum of three members.

The board shall consist of both men and women representatives of the various community groups served by the agency.

Board members shall serve without financial or material profit. No board member shall be employed by the institution regularly, either full time or part time.

CONTINUATION SHEET
FC BILLING ADMINISTRATIVE REGULATION
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32039 BOARD MEETINGS - ALL INSTITUTIONS

The board shall be active, functioning and hold regularly scheduled meetings. Minutes shall be kept of all board meetings and shall be available for review by the State Department of Social Welfare.

The general policy of the board shall be to include the executive director at all regular meetings. An exception may be provided when the board meets to discuss the executive director's performance, salary or his other working conditions.

32041 FUNCTIONS OF THE BOARD - ALL INSTITUTIONS

The governing board shall be responsible for the program and services of the institution, for determining what needs are to be met and for providing the means to meet them.

The responsibilities of the board include:

1. Establishment of policies to be followed by the institution and the program and services to be offered.
2. Approval of the budget and securing adequate funds therefor.
3. Supervision of the expenditure of funds, of property and of investments.
4. Appointment of a qualified executive director to whom responsibility for administration shall be delegated.
5. Development of criteria for evaluation of the job performance of the executive director, and acceptance of responsibility for periodic evaluation of the executive director in accordance with the criteria established.
6. Participate in formulating personnel policies.
7. Interpretation of the services of the institution to the community.
8. Maintenance of an informed and active membership.
9. Participation in community planning and coordinating of welfare services, both public and private.
10. Compose and keep current a chart of board organization and/or its affiliated groups.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATION...
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32043 RELATIONSHIP OF BOARD TO EXECUTIVE DIRECTOR AND STAFF -
INCORPORATED INSTITUTIONS

There shall be a division of responsibilities between the board and executive director in order that an efficient administration may be provided. The board shall delegate to the executive director the responsibility for administration, but the board shall determine the major policies and the general plan of operation.

32045 RELATIONSHIP BETWEEN OWNER AND EXECUTIVE DIRECTOR - PROPRIETARY
INSTITUTIONS

When the owner employs a professionally qualified executive director to administer the home, the owner shall develop a clear written statement of the administrative responsibility and authority delegated to the executive director. This written statement shall be available to the executive director and other persons as appropriate.

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ARTICLE 2 FINANCES

32061 FUNDS - ALL INSTITUTIONS

Sufficient funds shall be available at all times to insure adequate care of the children in accordance with:

- 1. The purpose of the institution.
- 2. The type of program and services planned.
- 3. The standards of the State Department of Social Welfare.

32063 INSURANCE - ALL INSTITUTIONS

The institution shall carry adequate and appropriate insurance, including Workmen's Compensation coverage.

32065 FINANCIAL RECORDS - ALL INSTITUTIONS

Sufficient records shall be kept to show the current financial status of the institution, including income and expenses.

The records established shall show the amounts and sources of all income and all expenses, assets and liabilities, and be available for inspection by the State Department of Social Welfare.

An annual budget shall be prepared and filed with the State Department of Social Welfare.

32067 PAYMENT FOR CARE - ALL INSTITUTIONS

Institution fees shall be in writing as a schedule or chart and be available to and discussed with all applicants. Institution fees may be established on a sliding scale.

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ARTICLE 3 PERSONNEL

32081 GENERAL REQUIREMENT

The staff of each institution shall be sufficient in number and competence to carry out the functions of the institution and to provide a quality of service which meets the needs of the children accepted for care, or care and treatment, and the parents who are accepted for service.

The staff shall be adequately compensated.

Children in care shall not be used as substitutes for regular paid employees.

32083 PERSONAL QUALIFICATIONS - ALL STAFF

All employees shall be qualified by age, health, education, training and experience for the positions they are to fill and shall have in addition, qualities of character and temperament suitable for work with children. These qualities include:

1. Genuine liking for children and a respect for each child as an individual.
2. Mental and emotional stability, a sense of humor, personal integrity and respect for spiritual values.

The adults who work directly with children shall be alert, interested, active and well-adjusted people with a knowledge of child development and an understanding of differing rates of development.

Employees shall be in good health and free from defects which would interfere with adequate performance on the job.

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32085 STAFF REQUIRED

Each institution, as appropriate to its size and purpose, shall obtain the services of staff in the following general categories: (1) administration, (2) social services, (3) child care, (4) health and nutrition, (5) psychiatric and psychological, (6) education, (7) recreation, (8) clerical, and (9) housekeeping and maintenance.

Any new staff employed or assigned to a new position on the staff of an institution on or after April 1, 1968, shall meet the minimum qualifications for his job classification. (See Sections 32087 through 32107)

Any professional person whose services are donated to the institution, paid for on a contract or fee basis or made available through an agreement with another agency, shall also meet the minimum qualifications for staff employed in a similar capacity in the institution.

When a position includes a combination of duties, the jobholder must meet substantially the minimum qualification for all job classifications covering the job.

Each institution shall establish a plan to determine its own staffing requirements which at least meets minimum standards.

Nothing in this regulation shall prevent an institution from establishing staffing requirements which are higher than minimum standards.

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32087 EXECUTIVE DIRECTOR - RESPONSIBILITIES AND QUALIFICATIONS

Each institution shall have an executive director, who in a proprietary institution may either be the owner-director or an executive director employed by the owner, who is responsible for the performance of the following duties and who possesses in substantial degree the qualifications listed below:

Duties:

1. Administer the institution in accordance with established policy, program and budget.
2. In an incorporated institution or association, attend all regular board meetings, report on the operation of the institution, and interpret recognized standards of child care to the board, or the owner.
3. In an incorporated institution or association, work cooperatively with the board to define areas of the board and staff responsibilities and help the board to function effectively in appropriate aspects of the program.
4. Develop an administrative plan and procedures to insure clear definition of lines of responsibility, equitable workloads, adequate supervision, harmonious working relationships, and the promotion of the concept of a team approach.
5. Ensure preparation of annual budget for board consideration, keep board informed of financial needs and operate within the budget established.
6. Recruit qualified staff, employ staff, supervise, train, terminate employment of or discharge staff.
7. Interpret the institution's program to other social agencies and to the public, and coordinate the institution's program with the over-all child welfare program of the community.
8. Provide leadership in staff development and stimulation.
9. Supervise building maintenance, institutional management and purchasing.
10. Ensure preparation of periodic reports and an annual report.
11. Evaluate continuously the effectiveness of the services for children and parents, and seek new approaches and knowledge.

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32087 EXECUTIVE DIRECTOR - RESPONSIBILITIES AND QUALIFICATIONS (Cont.)

Education and Experience

There may be different combinations of education and experience which lead to the knowledge and skills required to administer a children's institution, however, the following qualifications are required:

1. The executive director shall have a bachelor's degree from an accredited college and preferably should be a graduate of an accredited school of social work.
2. The executive director shall have three years of paid experience in administration or supervision in a social agency, preferably experience in a setting providing institutional care of children.

32089 ASSISTANT EXECUTIVE DIRECTOR - RESPONSIBILITIES AND QUALIFICATIONS

The assistant executive director shall possess the education and experience qualifications listed below:

Education and Experience

There may be different combinations of education and experience which lead to the knowledge and skills required to administer a children's institution, however, the following qualifications are required:

1. The assistant executive director shall have a bachelor's degree from an accredited college and preferably should be a graduate of an accredited school of social work.
2. The assistant executive director shall have not less than one year of paid experience in administration or supervision in a social agency, preferably experience in a setting providing institutional care of children.

When there is not an assistant executive director responsible during the executive director's absence, there shall be some other suitably qualified employee regularly designated to substitute for the executive director in his absence.

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32091 SOCIAL WORK SUPERVISOR - RESPONSIBILITIES AND QUALIFICATIONS

When two or more social workers are employed, one shall fulfill the responsibilities of a social work supervisor if (1) the executive director cannot meet the qualifications of this position, or (2) the total number of persons the executive director supervises would exceed five.

The ratio of social work supervisor to social work staff shall not exceed an average of one to five.

The supervisor shall be responsible for the following duties and possess the qualifications listed below:

Duties

1. Develop and recommend to the executive director appropriate policies and procedures to insure (a) a desirable quality of social service, (b) the maintenance of adequate case records and statistical records, (c) the coordination of social work services with the other services of the institution, and (d) a comprehensive staff enrichment and social work training program.
2. Secure accurate information about services provided by other agencies and when indicated, assist the executive director in developing or revising interagency agreements.
3. If requested by the executive director (a) assist in the recruitment of qualified social workers when vacancies occur, (b) prepare reports and other written material, (c) interpret the program and social work service of the institution to the board, to board committees, to other agencies or the public, and (d) represent the institution at meetings of social agencies or social workers.
4. Assume responsibility for (a) the work assignment and supervision of social work staff and (b) arrange individual and group conferences with the staff in the institution and in other agencies.

Knowledge and Abilities

1. Knowledge of the social work process, social work literature including that relating to casework with children and families.
2. A good working knowledge of supervisory and administrative practice, with ability to formulate policy and procedures; to plan and direct the provision of sound social work services; to secure effective services from the social work staff; to develop good working relationships with other social agencies and community groups; and to interpret the program of the institution effectively.

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32091 SOCIAL WORK SUPERVISOR - RESPONSIBILITIES AND QUALIFICATIONS
(Continued)

Education and Experience

1. Successful completion of a two-year curriculum in social work in an accredited graduate school of social work or a master's degree in an allied field of the behavioral sciences, and a minimum of three years in the past ten years of successful paid experience in the field of family or child welfare, which includes experience in work with children and in planning, supervising and coordinating the work of other caseworkers; or
2. Successful completion of a two-year curriculum in social work in an accredited graduate school of social work or a master's degree in an allied field of the behavioral sciences, and a minimum of four years of experience in social work practice shall be required; part of which shall have been in an agency providing treatment services to children and their parents.

32093 SOCIAL WORKER - RESPONSIBILITIES AND QUALIFICATIONS

Every institution shall employ or otherwise secure the services of one or more social workers who perform the responsibilities outlined in Section 32221, 32223, 32225-32227,, and who possesses the qualifications listed below:

1. Knowledge of community resources and legislation pertaining to child welfare.
2. Ability to provide direct services for children with or without psychiatric consultation, or serve as a member of a clinical team.

Education and Experience

Social workers shall have the following minimum qualifications:

1. Successful completion of a two-year curriculum in social work in an accredited graduate school of social work, or a master's degree in an allied field of the behavioral sciences; or
2. A minimum of one year of graduate work in an accredited graduate school of social work and at least two years of experience in the field of child welfare or family welfare; or
3. If one year of graduate work has not been completed, then the social worker shall have a bachelor's degree and have had at least four years of paid experience in the field of child welfare or family welfare.

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32095 CHILD CARE WORKER - RESPONSIBILITIES AND QUALIFICATIONS

The child care worker carries responsibility for daily care and supervision of the living group to which he is assigned, and the individual children in it. The primary responsibility of the child care worker shall be the care of the children individually and as a group and this shall have precedence over any other duty he may perform. The child care worker shall perform the following duties and shall possess in substantial degree the qualifications listed below:

Duties

1. Participates as a team member in discussion of plans for, and progress of individual children in his group, and in planning regarding admission, grouping and discharge.
2. Takes charge of living group and carries responsibility for child rearing responsibilities which parents usually perform and which include: physical care, development of habits, care of clothing, teaching management of money, assignment of daily and weekly chores, help with school work, teaching values, discipline and makes arrangements for those children who attend religious services.
3. Carries authority in his group situation and is responsible for discipline of children in the group situation in accordance with an approach to discipline that is administratively determined.
4. Observes the functioning and development of individual children in the group and is responsible for being aware of difficulties related to the group or their family situations and shares these observations with other members of the team in accordance with the administratively determined procedures of the institution.
5. Manages group living unit and sees that maintenance requirements are met.

Personal Qualifications

The child care worker shall be a mature, emotionally secure person of suitable age and temperament to care for children. Child care worker shall be of good judgment, able to get along with other staff members, sympathetic with the program of the institution and able to give the children individual understanding and affection. Child care staff shall be selected on the basis of personal characteristics that qualify them to work with children, e.g., personal warmth for children, high resiliency, flexibility and acceptance; on the basis of their ability to serve as part of a team and to accept the objectives, policies and procedures of the agency in providing institutional care.

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32095 CHILD CARE WORKER - RESPONSIBILITIES AND QUALIFICATIONS
(Continued)

Knowledge and Abilities

The child care worker shall have the ability or potential ability to fulfill the following:

1. Understand his role in carrying out plans for each child and the roles of other members of the staff team.
2. Provide a framework of consistency and stability in which the child can grow at his own pace, develop his personality and establish a sense of security.
3. Individualize the child in the group.
4. Deal with behavior that is defiant, frequently aggressive and hostile in a constructive way.
5. Enable children in group care to have positive group living experiences.
6. Withstand the physical and emotional strain of caring for active and disturbed children and to rebound after periods of tension.
7. Encourage group to participate in recreational activities and to take part in them himself as appropriate.
8. Understand his role in relation to child's own parents.

No person under 21 years of age shall be employed as a child care worker.

Education and Experience

A child care worker shall be a high school graduate and demonstrate the potential for further training and education.

32097 CHILD CARE WORKER - STAFFING

There shall be an adequate number of qualified adults to provide the daily care and supervision needed by the children.

During the children's waking hours staffing for the child care worker, or any other person functioning in this capacity, shall be on a ratio of not less than one on-duty worker to each ten adolescent children and not less than one on-duty worker to each eight pre-adolescents. When the children require special care the number of on-duty workers shall be increased proportionately.

No group of children shall be left without adult supervision at any time.

In order for children to have a relationship with persons of both sexes, men and women shall be employed. Where it is not appropriate to employ child care workers of both sexes, this shall be compensated for by the employment of persons of the other sex in other positions.

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32099 HOUSEKEEPING AND MAINTENANCE STAFF

Cooks, kitchen help, housekeeping staff, gardeners and janitors shall be employed in sufficient numbers to carry on the everyday housekeeping functions of the institution.

Any responsibility assumed by the child care staff or the children for cooking, cleaning, gardening, or other maintenance shall be related to the needs of the children, rather than the need of the institution for employees to perform those tasks.

Housekeeping and maintenance staff shall be chosen for their personal qualities, as well as for their skill in their particular job.

32101 RELIEF STAFF

Sufficient staff shall be employed to allow vacations and regular time off for all employees.

Sufficient relief staff shall be employed to permit all child care staff to have vacations and at least one full day off each week.

Relief for child care staff shall be arranged to provide continuity of supervision to the children.

32103 OTHER SPECIALIZED STAFF

All specialized personnel, such as caseworkers, group workers, recreation workers, psychologists, psychiatrists and teachers shall be qualified by training and experience in accordance with recognized professional standards.

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32105 MEDICAL STAFF

Preventive and remedial medical care shall be given by a physician, preferably a pediatrician, who is licensed to practice medicine and surgery in California. For exemption to this requirement see Section 32281.

The duties of the physician who directs the health program shall include (1) assisting the institution in formulating and carrying out its program for health and medical services; (2) advising the administrator on coordination of the over-all health program, including the keeping of medical records; (3) instructing staff members in the essentials of an effective, well-rounded medical program; (4) making or interpreting preadmission, annual, and predischARGE examination and remedial treatment of children; (5) consulting on periodic health examinations of all employees; (6) assisting the administrator with definite arrangements with local hospitals for admission of children when hospital care is necessary. (See Section 32291)

When an institution operates its own infirmary, qualified nursing service shall be available as needed. When the institution is not large enough to warrant the employment of a full-time nurse, service may be obtained by employing a nurse on a part-time basis or by purchasing the service from a visiting nurse's association.

When skilled nursing service is needed, the service shall be provided by a nurse who holds a California Registered Nurse's License. (See Section 32315)

32107 NIGHT SUPERVISION

A minimum of one responsible adult shall be awake on duty during the children's normal sleeping hours in each institution in which there are 25 or more children residing. This person shall make regular tours of inspection of the physical plant and grounds to insure fire safety.

In each living unit there shall be a responsible adult who is accessible to the children during their normal sleeping hours.

Additional personnel shall be on call to assist the on duty staff in carrying out the institution's established plan for caring for the children in an emergency or disaster.

32109 STAFF DEVELOPMENT

Each institution shall provide for a continuous staff development program for all members of the staff. This program shall include:

1. Appropriate induction and orientation to the philosophy and objectives of the institution.
2. Continuous in-service training designed to improve the quality of service, develop the potential competence of staff members, and coordinate the work of all persons employed in the institution.

Provision shall be made for persons who provide a part-time service to participate in appropriate phases of the in-service training program provided for full-time staff.

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32111 STAFF DEVELOPMENT - PROGRAM CONTENT

The staff development program shall be available to every staff member as appropriate and include:

1. Regular supervision (individual or group conference), or consultation as appropriate to every staff member in accordance with his training experience and maturity.
2. In-service training, e.g., orientation courses, lectures and discussions.
3. Regular staff meetings which permit all members of the staff to discuss matters of administration, child care and development.
4. Periodic written evaluation of each worker by his supervisor with provision for participation of the worker and for his reading of the written evaluation. A terminal evaluation must be accomplished.
5. Preparation of individual employee staff development plan.
6. Reasonable opportunities for attendance at appropriate professional meetings, conferences and workshops.

32113 PERSONNEL POLICIES AND PRACTICES

Personnel practices shall be designed to attract and retain adequate and qualified staff.

Each institution shall specify its personnel practices and publish them so that they are available to all employees and prospective employees.

The board and staff (in the proprietary agency the owner and staff) shall participate in formulating personnel policies which shall be in writing and reviewed every five years and approved by the board or owner.

1. Live-in Requirements: All positions for which living in the institution is a condition of employment shall be specified.
2. Hours of Work: Child care staff shall have at least one full day off each week and be able to leave the institution at that time.

Child care staff shall have regularly scheduled hours of work, except for emergencies, which shall allow time for outside activities and relaxation from the demands of child care work.

A basic eight-hour day shall be used wherever practical and there shall be compliance with all applicable laws and regulations governing wages, hours, and conditions of employment.

Resident staff with direct responsibility for children shall have an opportunity to be completely away from the children during time off.

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32113

PERSONNEL POLICIES AND PRACTICES (Continued)

3. Vacations: Annual vacations with pay and the holidays observed shall be clearly specified. Vacations with pay shall be provided according to prevailing practice, but a minimum of ten working days shall be given annually to all full-time permanent employees.

Equivalent time off shall be given when any employee is required to work on a national holiday or any other holiday recognized in the community.
4. Sick Leave and Insurance: Sick leave shall be provided for all permanent employees according to the prevailing practice.
5. Salary Schedules: Salary ranges for each job classification shall be established. The salary schedule shall be adequate to attract and retain qualified personnel, equivalent to prevailing rates of pay in the community, and commensurate with the duties and responsibilities of the position. Increases within the salary range shall be based on the length and quality of service. The plan for salary increments shall be stated clearly in writing for each employee.
6. Job Specifications: Each position or class of positions shall be specified to provide a clear description of the duties of the job, the relationship of these duties to the over-all program of the institution, the qualifications required for the job and the person to whom the employee is responsible.
7. Induction: Each employee shall receive a planned induction to his job which will provide a clear understanding of the program objectives of the institution, and the relationship of his own position to the program of child care and to other members of the staff.
8. Discharge and Review: There shall be provision in the institution's statement of personnel policies for grievance review.
9. Records: The statement on personnel practices shall explain that confidential records are kept for all employees, and that these records will include the application for employment, reference statements, medical reports, reports of periodic evaluation of job performance, and the reason for and date of separation from employment.

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32115 **PHYSICAL EXAMINATIONS**

Before employment each prospective employee shall submit a satisfactory written report of a recent physical examination made by a licensed physician. The physician's statement must certify that the job applicant is physically able to perform the required duties and is free from venereal disease, tuberculosis, and all other communicable infections.

The physical examination shall include an intradermal test and if this test is positive, a chest X-ray. (By law the institution must also have on file, reports showing that each employee has had the required test or X-ray during the last 12 months, and is free from active tuberculosis. See W&IC Section 16017.)

Employees with responsibility for the preparation or serving of food shall have daily health supervision and when symptoms of illness appear, they shall be excluded from work until recovery, or clearance from a physician or staff nurse.

All staff working directly with children and those who may affect the health of the children through indirect contact, e.g., handling food, dishes, and other cooking utensils shall have annual health examinations.

32117 **USE OF VOLUNTEERS**

When the services of volunteers are available to the institution for services not otherwise available to the children through staff, provision shall be made for their selection, orientation, training and supervision by the institution.

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ARTICLE 4 BUILDINGS, GROUNDS, AND EQUIPMENT

32131 LOCATION

The institution shall be located in an area which affords participation in community life; which is accessible to schools, hospitals, churches, welfare services, as well as medical, psychiatric, recreational and cultural facilities; and where it is possible to maintain communication between the child and his family.

Institutions shall not be located in remote rural areas, nor in deteriorated, unpleasant or potentially hazardous urban areas. Areas with extremely heavy traffic, excessive noise, smoke or disagreeable odors shall be avoided.

The site shall be in an area which insures safe and sufficient water, adequate drainage and sewage disposal, good fire protection and access to public transportation.

32133 GROUNDS

The grounds shall have sufficient outdoor space for active play. Safe play equipment suitable to the ages and interests of the children shall be provided.

The amount of outdoor space necessary will vary with the size, location, the age and sex of the children accepted for care.

32135 SWIMMING POOLS

All state and local laws, ordinances, rules and regulations pertaining to construction, operation and maintenance of swimming pools and recreational facilities shall be observed.

32137 GENERAL BUILDING REQUIREMENTS

Buildings shall be comfortable, designed for children's use and suitable for the program. The building shall be designed for children to live in small groups.

32139 NEW BUILDINGS

After April 1, 1968, new buildings and buildings used for the first time by the children's institution shall conform fully with the rules and regulations of the State Department of Social Welfare. This regulation does not apply to a building or buildings in continuous use prior to April 1, 1968.

A children's institution shall notify the State Department of Social Welfare of the intent to occupy a building not previously used by the children's institution, and shall secure approval from the department before purchase or lease is completed.

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32141.15 EXISTING BUILDINGS

A building or buildings in continued use prior to April 1, 1968, of a licensed institution shall be in substantial conformity with the rules and regulations of the State Department of Social Welfare.

32143 FIRE SAFETY

All institutions for children shall comply with the housing and fire safety laws of the state and the rules and regulations of the State Fire Marshal governing institutions for children.

A fire safety clearance from the State Fire Marshal is required before initial licensing, before renewal licensing and before any change in the terms of the license which affects fire safety, and whenever there is reason to believe that existing conditions jeopardize the safety of the staff or children.

32145 SANITATION

All applicable laws, rules and regulations on sanitation shall be met.

A sanitation inspection by a local health department is required before initial licensing, before renewal licensing, and whenever there is reason to believe that existing health or safety conditions are a hazard to the staff or children.

32147 HOUSEKEEPING STANDARDS

Housekeeping shall meet an acceptable standard of cleanliness, orderliness and absence of offensive odors.

32149 SAFETY PRECAUTIONS

Special precautions shall be taken in the storage and use of paints, oils, and other inflammable materials, poisons, insecticides, drugs, motor vehicles and power equipment.

Care shall be taken to prevent home accidents from such causes as slippery floors, loose rugs, inadequate lighting, improperly protected fireplaces or stairways. Long electric cords or extensions shall not be allowed on the floor in such a way as to present danger of tripping or fire hazards.

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32151. MOTOR VEHICLES - USE AND MAINTENANCE

Only licensed drivers shall be permitted to operate motor vehicles provided by the institution. Passengers shall not exceed the rated seating capacity of the vehicle.

Motor vehicles provided by the institution shall undergo regular periodic safety inspection and be maintained in safe operating condition.

32153 SUBMISSION OF BUILDING PLANS FOR NEW CONSTRUCTION, ADDITIONS OR ALTERATIONS

Plans for new buildings or additions or major alterations to existing buildings to be used for providing housing or other services to children shall be submitted to the department for review and approval before construction is started.

Plans shall be prepared by either a licensed architect, registered civil engineer or structural engineer. Fire codes and building codes used in the design of the building shall be noted on the plans. (See Section 32143.) Certification by the architect or engineer, or by the local building official, that the plans meet the building construction standards of the codes mentioned shall accompany the plans.

As new institutions are built and existing ones are remodeled or replaced, provision shall be made for the type of architectural plan best suited to the child care program.

32155 HEATING

Adequate, safe and easily-controlled heating shall be provided for all living and sleeping quarters.

Fireplaces and open-faced heaters shall have metal screens.

Gas heaters shall be vented and installed with rigid pipe connections. Kerosene heaters will not be approved.

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32157 FACILITIES FOR ADMINISTRATIVE SERVICES

A private office shall be provided for the executive director and, as appropriate, for social workers and other professional staff.

Separate space shall be available for reception, visiting, and waiting purposes.

Office space shall be provided for business, clerical, managerial and service staff.

32159 KITCHEN

The size of the kitchen and amount of equipment shall be adequate for the number of persons to be served.

If the kitchen and dining room are on different floor levels, provision shall be made for transporting the prepared food and keeping it at the proper temperature.

Adequate refrigeration for the protection of perishable foods shall be provided. All food shall be protected from insects and rodents.

Cooking utensils shall be in good condition and without defects, chips or cracks. Granite or enamel kitchen utensils shall not be used. Adequate provision for cleaning this equipment shall be made.

Dishes shall be stored in a clean dry place and protected from flies, dust or other contamination.

Proper disposition shall be made of garbage and trash.

Employees handling food or others assisting in the kitchen shall wear clean apparel and give special care to cleanliness of hands and forearms.

32161 STORAGE ROOMS AND CLOSETS

All storerooms and closets used for food shall be dry, well lighted and ventilated and shall offer protection from mold, vermin and rodents.

Proper storage of first aid supplies and other prescribed medications shall be provided in locked cupboards not accessible to the children.

Closets or storerooms shall be available and conveniently located for storage of cleaning equipment, linens, extra equipment, furniture, etc.

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32163 LIVING ROOMS AND RECREATION ROOMS

There shall be at least one centrally located living room for the free and informal use of the children. In large institutions additional living rooms shall be provided to accommodate the number of children in care.

Institutions built on the cottage plan shall have a living room in each cottage.

Living rooms shall be large enough to accommodate the group to be served without crowding.

Living rooms shall be comfortably and attractively furnished, well heated, lighted and ventilated, and clean and cheerful. Furnishings shall be substantial, suitable for use by children, and in good taste.

Living rooms shall be available to children for their own relaxation and for entertaining friends and relatives.

Recreation rooms shall be provided according to the needs of the group served.

32165 LIBRARY AND STUDY ROOMS

Every institution shall have some space set aside furnished and equipped for quiet reading and study.

The room shall be well lighted and ventilated.

Books suitable for the cultural interests, educational needs and recreational interests of the children, and current magazines and newspapers shall be provided.

32167 SCHOOL ROOMS

When school classes are conducted on the premises, school rooms shall provide adequate light and ventilation, appropriate equipment (desks, seats, tables) and teaching materials.

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32169 DINING ROOM

An attractive, well lighted and properly ventilated dining room (or rooms), large enough to accommodate the children, the staff and guests comfortably shall be provided. Approximately fifteen square feet of floor space per person is necessary.

Dining areas shall be convenient to the kitchen so that food may be served quickly and easily, and close to the general living rooms.

In institutions with a central kitchen, food shall be transported to the dining area in suitable equipment.

Silverware and attractive dishes shall be used. Cracked or chipped dishes and glassware shall not be used because of health hazards. The use of tin, aluminum, granite or enamel dishes or cups is not acceptable.

Floors shall be covered with an attractive, easily cleaned, nonabsorbent, nonslippery material.

Tables and chairs are to be of suitable height for the children using them. Tables are to accommodate from four to eight persons.

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32171 BEDROOMS

Sleeping rooms for the children shall be comfortable and attractive.

All sleeping rooms shall be located near lavatory, bath and toilet facilities.

Every room shall have at least one outside window. A window opening on an enclosed porch is not considered an outside window. In general, window space shall be at least equal to one-eighth of the total floor area of the room but shall not be less than 16 square feet.

Sleeping rooms shall be comfortably furnished.

Provisions shall be made for proper care of clothing and personal belongings.

Ample, well-lighted closet space shall be provided for each child. Clothes racks and shelves shall be within easy reach of the children.

Each child shall have a locker, dresser, or other storage space for his own private use, conveniently located in or near his sleeping room.

Each child shall have his own bed, equipped with good springs, clean, comfortable mattress, pillow (if desired) and lightweight, warm bedding. Rubber sheeting shall be provided when necessary.

The use of double-deck bunk beds is permitted only with the express approval of State Department of Social Welfare.

Linen shall be changed once a week and more often when necessary.

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32173 SIZE OF BEDROOMS

In buildings in continued use by a licensed institution, on and before March 31, 1968, the size of bedrooms shall conform to the following requirements:

1. A room for one person shall provide at least 630 cubic feet of air space, a room for two persons at least 810 cubic feet, and a room for three or more, 500 cubic feet for each additional person.
2. In rooms accommodating more than one child, beds shall be placed at least three feet apart on all sides.

In new buildings and buildings which are used by a licensed institution for the first time on and after April 1, 1968, the size of bedrooms shall conform to the following requirements:

1. Bedrooms for single occupancy shall have a minimum of 90 square feet of superficial floor area, and there shall be a sufficient number of bedrooms for single occupancy to provide privacy for children who need it.
2. Bedrooms for multiple occupancy shall accommodate not more than four children and contain not less than 70 square feet per child, with a minimum of three feet between beds.

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32175 BATH, LAVATORY AND TOILET FACILITIES

At least one toilet and wash basin shall be provided near living rooms and recreation areas.

Bath and toilet facilities shall be provided in each building which contains sleeping rooms and shall be convenient to these rooms.

Separate bath and toilet facilities shall be provided for boys and girls and each unit shall insure privacy.

All bath and toilet facilities shall be properly lighted and ventilated with clean, washable floors and walls of material which is nonabsorbent and not slippery.

Each child shall have his own toilet articles, including toothbrush and comb, and shall be provided with clean towels and wash cloths at regular intervals.

Space for individual storage of toilet articles shall be provided in the bathrooms. Each child's towels and wash cloths shall be placed within reach of the child, and sufficient space allotted to permit quick drying and separation from those of other children.

Mirrors at proper levels and in sufficient quantity to be easily accessible to all children shall be provided in the bathrooms.

The ratio of bath, lavatory and toilet facilities to children shall conform to the following requirements:

1. In buildings in continued use by a licensed institution on and before March 31, 1968, there shall be a minimum of one toilet to every eight to ten children; one wash basin with hot and cold running water for every four or five children; and one tub or shower for every eight or ten children. If showers are generally used, at least one tub shall be available.
2. In new buildings and buildings which are used by a licensed institution for the first time on and after April 1, 1968, there shall be a minimum of one toilet for every four children; one wash basin with hot and cold running water for every four children; and one tub or shower to serve every four children. If showers are generally used, at least one tub shall be available. Large congregate bath, lavatory and toilet facilities shall not be acceptable.

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32177 LAUNDRY AND SEWING ROOMS

Unless a commercial laundry is used, provision shall be made for the children's personal laundry, and for the institution laundry.

Space shall be provided for sorting and mending linens and children's garments.

All laundry and sewing rooms shall be properly lighted and ventilated.

32179 ISOLATION

There shall be provision for isolation of children who show symptoms of illness until the nature of the illness is determined and treatment decided upon.

Isolation rooms shall be adequately equipped for the care of ill children, and separate bath and toilet shall be provided.

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32181 DISASTER AND MASS CASUALTY PLAN

All licensed institutions for children shall have a written disaster and mass casualty plan of action in the event of a disaster occurring within the facility, of local disaster occurring in the community, or of state of extreme emergency. It shall include:

1. Designation of administrative authority and staff assignments.
(See Chapter on Personnel)
2. Plan for evacuation including
 - a. fire safety plan
 - b. means of egress
 - c. transportation and relocation of residents, when necessary
 - d. supervision of residents after evacuation or relocation
 - e. means of contacting local agencies, i.e., fire department, law enforcement agencies, civil defense and other disaster authorities of local government.
3. Plan for reception of nonresident persons dislocated by disasters and emergencies occurring outside the facility.

All personnel shall be instructed in their duties. Staff instruction shall include practice drills which involve the children at regular monthly intervals. New employees shall be informed immediately of their duties as required in this plan.

The disaster plan shall be approved and reviewed annually by the appropriate fire safety officials and by the local civil defense authority in communities which have an active civil defense organization. Where there is no such organization, the disaster plan will require approval and annual review of only the fire safety authority.

The disaster plan shall be conspicuously posted and kept up to date.

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32183 RESIDENT STAFF QUARTERS

In new building or buildings which are used by a licensed institution for the first time on and after April 1, 1968, each unit is to have at least one room specifically used for the use of the resident staff. This room shall afford privacy, be appropriately furnished and equipped with private bath, lavatory, and toilet. This regulation does not apply to a building or buildings in continuous use prior to March 31, 1968.

32185 EMPLOYEES' WASH ROOMS

Cloakrooms, lockers, toilets and wash basins shall be provided for employees convenient to the kitchen and other workrooms. No toilet shall open into a room in which foods are cooked or stored, however.

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SUB-CHAPTER 3 CARE AND SERVICES
ARTICLE 1 ADMISSION POLICIES AND PROCEDURES

32201 ADMISSION POLICIES - GENERAL REQUIREMENTS

The institution shall accept only those children it is equipped to serve adequately, and to whom it can offer the type of care needed.

Every institution must establish admission criteria designed to guide in the selection of children who can benefit most from the program and services it has to offer.

Every institution shall state its admission criteria in writing and make such written policies available to the public.

32203 NONDISCRIMINATION ADMISSION POLICY

The written admission policy shall include a statement that the institution is operated on a nondiscriminatory basis, according equal treatment and access to services without regard to race, color, religion, national origin, or ancestry. An otherwise eligible child may not be excluded on the basis of these characteristics, except as indicated below.

A nonprofit institution established to serve an identified group may serve this group, but shall not discriminate within the group on the basis of race, color, religion, national origin, or ancestry.

A religious group may elect to serve children of a particular religious faith, but may not discriminate within the group on the basis of race, color, national origin, or ancestry.

Until July 1, 1965, licenses granted to any institution failing to meet the department's standards pertaining to nondiscrimination shall be limited to authority to care for those children under care at the time the finding of non conformity is made.

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32205 ADMISSION PROCEDURES

Each institution shall have a defined procedure of intake study, which study shall cover all information relative to an assessment and understanding of the child's problems leading to a determination of why institutional placement is necessary, what is the best placement and how the institution selected for placement can meet the child's and family's needs.

When a referring agency initiates the placement, there shall be an agreement between that agency and the institution on exchange of information related to the intake study.

Whenever available, pertinent sources of information for the intake study shall include the child and his family, the referring agency (if there is one), and significant family members outside the immediate family. The intake study shall also include foster parents, teachers and other school personnel, other community agencies, physicians, psychiatrists, and psychologists.

Specific content of the intake study shall include:

1. Characteristics of the child
2. Developmental history
3. Family circumstances
4. Parent's expectations of placement
5. Child's understanding of placement
6. Current medical status
7. Legal status of child

The intake process shall include a discussion with the child and his family, and the referring agency (if there is one) about the reasons for placement. The discussion shall include probable length of placement and reactions to the plan for care. Wherever possible, arrangement shall be made for the child to visit the institution before placement.

Admission for care shall be made in terms of the purposes to be achieved by placement and be based on a goal-oriented plan of care.

The intake study shall include discussion and agreement with the parents or the child-referring agency on financial arrangements for payment for child's care.

If the referring agency is extending social work or other services to the family, there shall be agreement as to their respective roles.

At the time of admission, or subsequently, if the child or his family requires a service other than the institution can provide (such as foster family care, family counseling, financial assistance, or psychiatric services), referral shall be made to another agency in the community providing the appropriate service.

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ARTICLE 2 SOCIAL WORK SERVICES

32221 GENERAL REQUIREMENTS

The social work services of the institution shall provide a continuing service for children beginning at the intake study of the child and continuing throughout the child's placement and after discharge where after-care social work services are not otherwise available in the community.

32223 SERVICES TO CHILDREN ACCEPTED FOR CARE

When a child is accepted for care he shall be assigned a social worker who is responsible for maintaining a continuing relationship with him throughout the placement.

In addition to the social work services made available to the child, appropriate services with the child's family shall be carried on, with the ultimate goal of returning the child to normal family and community living.

Efforts to strengthen family relationships shall be continuous. Ties with parents, relatives and friends shall not be discouraged, except as a part of a carefully considered plan of treatment.

No child shall remain in an institution when he can receive no further benefit from group living, or when group care is no longer the best plan for him.

Discharge shall be individually planned on the basis of the child's needs, with the child himself and parents participating in planning and being aware of the reasons for the plans made.

32225 SOCIAL WORK WITH CHILD

The social worker in collaboration with the referring agency (if there is one) and parents shall be responsible for helping prepare the child for placement by helping him to understand the reasons for his having to leave his home and for having institutional care selected for him and by arranging for him to visit the group with whom he will reside.

Throughout placement, the social worker shall be responsible for providing direct help to the child in accepting institutional care and in making use of the group living experience to the best of his ability.

The social worker shall work directly with the child as well as with the referring agency (if there is one) and parents in preparing and planning his return to the community. This planning may include day-to-day living, school placement, vocational counseling, job finding, and continuing social work services or psychiatric treatment.

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32227 SOCIAL WORK WITH PARENTS

Throughout the period of intake and placement parents shall have continuing help so that they can maintain a relationship with their child, take as much responsibility as they are able in planning for him, work closely with either the institution or the referring agency, and prepare for the child's return to the family or make other arrangements when necessary or preferable.

The responsibilities of the social worker in working with the parents shall include the following:

1. Help to parents to interpret need for placement to the child.
2. Continued work with parents around placement.
3. Social work help with parent/child relationships.
4. Preparation of parents for termination of child's placement.
5. Social work services after discharge where indicated.

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ARTICLE 3 CASE RECORDS

32241 GENERAL REQUIREMENT

Institutions shall maintain adequate case records for each child and family.

32243 CONFIDENTIALITY OF CASE RECORDS

Case records shall be maintained as confidential case records and be kept in a locked file.

Every member of the board and staff shall be required to respect the confidentiality of these case records.

32245 RELEASE OF CONFIDENTIAL INFORMATION

Information about children and their families shall be given to other agencies only when professional judgment indicates that it is in the best interest of these persons or when the institution's responsibility to the community requires it. Information shall also be given to other agencies when professional judgment indicates that it is for the purpose of study, control, or when required for the child's safety or the safety of others.

Whenever possible, written consent of the parents shall be obtained for release of information to other agencies or individuals, except when the protection of others is involved.

32247 CONTENT OF CASE RECORDS

All records shall include information needed for providing services for the child and the family, for planning, and for periodic reevaluation, as well as information that shall be retained if needed at some future time for the child.

32249 RECORDING

All case records shall contain quarterly summaries needed for providing services to the child and the family, for planning and for periodic reevaluation.

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ARTICLE 4 GROUP LIVING

32261 GENERAL REQUIREMENTS

Staff members who work directly with the child shall make a sustained effort to understand him and a conscious effort to meet his individual needs.

The group living experience must not be an isolated living period but must be related to the prior life experience of the child and a preparation for his future.

The day-to-day living experience of each child shall provide emotional security in addition to meeting his physical, medical, educational and recreational needs.

The program shall provide for meeting the child's need for identity and privacy by allowing him to have personal possessions, available time and space for spontaneous activities, and a portion of the building which would represent his own room.

32263 GROUP LIVING PROGRAM

A living group shall be comprised of a group of children who live together in the same physical unit and who eat, sleep, play and work together under the supervision of one, or more, child care staff members.

The composition of each living group shall be purposefully planned and determined by the nature and severity of the children's problems, their age, and the number of child care staff available at all times. The composition of each living group is periodically evaluated.

There shall normally not be more than ten children in a living group.

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32265 DISCIPLINE OF CHILDREN

Discipline must be regarded as a learning process by which adults help the child to have the experience he needs so that he can learn to live in reasonable conformity with accepted standards of social behavior, and to do so by progressively acquiring and applying his own inner self-controls.

Every institution shall state its rules of discipline in writing and make such written rules available to the staff.

Constructive methods must be used for maintaining group controls and handling individual behavior, e.g., clarification, persuasion, distraction, substitution, interference, removal and restitution.

Discipline shall be administered on an individualized, fair, reasonable and consistent basis and be related to the individual child's misbehavior. Group discipline for misbehavior of one or more members of the group shall be discouraged.

Punishment shall be used only in situations when other means are ineffective and children can benefit by the experience of facing the consequences of unacceptable behavior, not as an end in and of itself, but as part of the learning process.

Children shall not be punished before the group. Corporal punishment, infliction of bodily pain, deprivation of essentials such as meals, monetary allowances, visits from parents, home visits, or any type of degrading or humiliating punishment shall not be used.

No child shall be permitted to punish another child or group of children.

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ARTICLE 5 HEALTH PROTECTION

32281 GENERAL REQUIREMENTS

Each institution shall maintain and promote the health of the children. Every child shall receive adequate medical care, including preventive care and treatment of illness or defect. The report of medical or psychological examinations shall be included in the child's record and shall serve as a basic part of the treatment plan.

An institution which accepts children for continuing care shall provide a plan for medical care, including admission examination, immunizations, emergency medical care and hospitalization, remedial treatment, preventive care and dental care, a favorable physical and emotional environment, provisions for safety, sanitation and food handling.

Institutions which accept only emergency short-term placements shall provide for admission examinations and emergency medical care, and shall accept responsibility for reporting identified medical needs to the responsible person or agency.

Institutions operated by religious groups depending on prayer or other spiritual means of healing are exempt from the requirements in this section if they limit admissions to children of their own religious faith and have on file for each child, a signed statement from his parent or guardian indicating adherence to or acceptance of such religious belief and requesting that no medical care be provided.

Other institutions which admit children of a religious faith which depends on prayer or other spiritual means of healing shall determine that such children are free from communicable disease by whatever medical tests or examinations deemed necessary by the staff physician, and request that their parents or guardian sign a statement indicating that no medical care is to be given.

32283 DIRECTION OF THE HEALTH PROGRAM

The Institution Health Program shall be under the technical direction of a physician licensed to practice medicine and surgery in California. (See Section 32105)

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32285 AUTHORIZATION FOR MEDICAL CARE

Prior to each child's admission to the institution, authorization in writing shall be obtained from his parents or guardians and the placement agency (if there is one) for medical and surgical care and for hospitalization as required. This is to include consent for emergency medical attention and treatment as required.

Parents shall be contacted if available whenever medical or surgical care is necessary and written permission specifically secured from them for the required care.

Parents, if available, or guardians, and the placement agency (if there is one) shall be kept currently informed of any illness requiring hospitalization.

32287 ADMISSION EXAMINATION

Each child shall be screened for the presence of communicable or contagious disease, or other medical problems, within 24 hours of admission.

Each child shall have a complete physical examination, including visual and auditory screenings, tuberculin test or chest X-ray and other tests as indicated, prior to admission or within seven days following admission.

Tests that may be disturbing to a child, such as vaginal smears and blood tests for syphilis, shall be taken if indicated but not as routine procedures.

The institution shall request the physician making the examination to report the results in writing and in enough detail to show the child's physical condition and development, health history of previous illnesses and immunizations, his freedom from communicable disease and his ability to take part in group activities or schedule of permitted activities when these must be limited, and recommendations for future care, treatment or examinations.

If indicated (and according to the necessity and availability of these services) psychological and psychiatric evaluations shall be made.

32289 IMMUNIZATIONS

Each child shall be immunized (unless already completed and noted on the child's record) against smallpox, diphtheria, tetanus, poliomyelitis and whooping cough. Booster injections shall be administered within standards set by the State Department of Public Health.

The institution shall make the child's immunization record available to the school on admission, and to the parents or guardians and placement agency on the child's discharge from the institution.

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32291 MEDICAL CARE AND HOSPITALIZATION

The institution shall provide medical, surgical, hospital and nursing services either through its own facilities or through specific contracts with various community, medical, dental and nursing services, including hospitals.

A physician shall be available for regular visits to the institution or shall be available for scheduled hours at his office.

Provision shall be made for the correction or treatment of remedial defects or deformities. If another social agency or the child's parents or guardians retain the responsibility, the institution shall notify the agency and parents or guardians of any need for treatment, and plan with the parents, guardians and agency (if there is one) for necessary care.

32293 EMERGENCY MEDICAL CARE

Every institution shall have a plan which provides for immediate medical attention and treatment in case of illness, accident or injury to any child under care. The institution shall be prepared to obtain emergency medical care without instructions from parents or guardians in case the parents or guardians cannot be reached immediately or the nature of the illness or injury is such that there should be no delay in getting medical attention.

32295 AGREEMENT FOR PAYMENT OF HOSPITALIZATION

If the placement agency or the child's parents or guardians retain responsibility for payment for the child's hospitalization, there shall be an agreement between any one of these parties and the institution on the facilities to be used and the plan for payment for the cost of such hospitalization.

32297 PERIODIC EXAMINATION

Each child shall receive a physical examination annually, or at more frequent intervals as recommended by the institution's medical authority.

32299 USE OF MEDICINES AND PRESCRIPTIONS

Staff members responsible for the care of ill children shall receive training in the proper handling and use of medicines and prescriptions under the direction of a physician and in accordance with procedures that are administratively determined.

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32301 FIRST AID

First aid supplies shall be readily available for use as prescribed under the direction of the institution's physician and in accordance with procedures that are administratively determined.

32303 MEDICAL ISOLATION

Provision shall be made for isolating and caring for a child whose illness requires separation from the group. The isolation shall be in surroundings that are familiar to the child.

Staff shall always be available to give the child appropriate care and attention.

Isolation of each child on admission shall occur only if a child's health warrants this procedure and shall not be practiced on a routine basis.

32305 CHILD ILLNESS - CHILD CARE WORKER'S RESPONSIBILITY

The child care workers shall receive training under the direction of a physician or a nurse in recognizing and reporting any signs of illness in the children under their supervision.

32307 CHILD ILLNESS - DECISION ON SCHOOL ABSENCE

Each institution shall administratively assign responsibility to an appropriate member of the staff for deciding whether a child is ill enough to be absent from school.

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32309 MEDICAL AND PSYCHIATRIC COORDINATION

Each institution which establishes and maintains a regimen for the use of tranquilizers in the treatment of extreme child emotional disturbance shall maintain coordination between the medical and psychiatric staff in the supervision of the use of such drugs and the course of psychological treatment.

Under the direction of a physician the staff shall receive training in the responsibilities for and the technique in dealing with these situations.

32311 PSYCHIATRIC SERVICES

The services of a psychiatrist shall be available for diagnosis, consultation, and psychiatric treatment of children when indicated.

32313 PSYCHOLOGICAL SERVICES

The services of a psychologist shall be available to contribute to diagnosis and formulation of treatment plan and for direct work with selected children.

32315 NURSING SERVICES

Nursing services shall be available as appropriate to the licensed capacity of the institution and used for care of sick children, for assistance to the physician in providing continuous health supervision, for interpretation of medical, dental and nutritional recommendations to other staff and children and for follow up on medical and dental recommendations. (See Section 32105)

32317 DENTAL CARE

Dental care shall be provided by the institution, by the placement agency responsible for the child or the child's parents. This shall include: an examination as soon as practical after admission of the child for care; treatment, including necessary prophylaxis, orthodontia, repairs and extractions when indicated; and annual reexaminations.

If the institution does not retain a staff dentist, the dentist shall be retained on a contractual basis and available as necessary.

If the placement agency or the child's parents or guardians retain responsibility for payment of dental care, there shall be a written agreement between the party and the institution for payment for the cost of dental care.

32319 HEALTH EDUCATION

Children shall be taught attitudes and habits conducive to health, through daily routines, example, and discussion and shall be helped to understand the principles of health and hygiene.

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(32321 MEDICAL RECORDS

An individual medical record shall be kept for each child.

When medical records are kept in the doctor's office or infirmary, pertinent information shall be included in the child's case record (see Section 32247).

An institution shall furnish the child's school appropriate medical records as required by a school.

Medical records as appropriate shall be released to the parents, guardians and the placement agency (if there is one) when the child is discharged from the institution.

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ARTICLE 6 NUTRITION AND CLOTHING

32331 GENERAL REQUIREMENTS - MEETING DIETARY NEEDS

An adequate and nutritionally well-balanced diet, according to the standards of the National Research Council, shall be provided. The meals shall meet the social and emotional needs of the children, and be properly cooked and attractively served.

Three meals shall be served each day unless children obtain lunches at schools. If lunches are obtained at school, information about the general pattern of these lunches shall be obtained and other meals planned accordingly. Some type of after-school snack shall also be provided.

Supervision shall be given at mealtime by staff members.

Food shall be prepared and served under direct supervision of, or in scheduled consultation with, a qualified nutritionist, dietician or licensed physician.

32333 MILK SUPPLY

Only pasteurized milk shall be used.

Institutions having their own dairies shall comply with local and state regulations governing the maintenance of dairies. All cows shall be tested and found free from tuberculosis and undulant fever.

32335 HOME-CANNED FOODS

All home-canned foods shall be processed in accordance with acceptable procedure for proper home canning.

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32337 CLOTHING

Clothing shall be of current style, becoming, well fitted, clean and of a quality and appearance which will not distinguish the children from the institution from other children in the community. Clothing shall not be of a uniform style which would set a child apart from other children in the school or community.

Each child shall have his own clothing. Used shoes shall not be given to other children.

Children shall participate in the selection and purchase of their own clothing whenever possible and appropriate.

There shall be a written agreement between either the parents or guardians, or the child placing agency and the institution on the plan for the provision of the child's clothing at reception, while under care and at the time of discharge.

32339 PERSONAL CARE

Each institution shall provide the program, facilities and training necessary for the children's daily needs and the development of sound habits and practices in regard to personal hygiene and general appearance.

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ARTICLE 7 RECREATION

CI-233

32351 GENERAL REQUIREMENTS

A well-rounded recreation program shall be available for all children.

The children shall be encouraged to participate in community recreation and group work activities when they are able and ready to do so.

Every child shall have time to be alone if he wishes; places to go where he will not be disturbed and an opportunity to exercise reasonably free choice of activities.

32353 RECREATION FACILITIES

The institution shall provide needed recreation facilities when the community does not have sufficient recreation facilities to meet the needs of children in the institution, or when the institution is so large that the number of children would overwhelm the community.

32355 RECREATION PROGRAM

The recreation program shall offer a wide range of both indoor and outdoor activities in which participation can be encouraged and motivated, rather than regimented, on the basis of individual interests and needs.

32357 STAFF RESPONSIBILITIES

The recreation program's overall planning, staff training supervision and coordination shall be the assigned responsibility of a qualified member of the staff.

Child care workers shall have responsibility for recreation activities as appropriate.

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ARTICLE 8 EDUCATION

32371 GENERAL REQUIREMENTS

Each institution shall accept responsibility for the overall education and training necessary for the well-rounded development of each child.

In addition to the academic and vocational education provided by the institution or by community schools, the institution shall provide an opportunity for religious training, training in social customs, experience in normal social activities and experience in working, saving and handling money.

32373 ACADEMIC EDUCATION

Any child who is able to attend community schools and meet their standards of performance shall be given every opportunity to do so.

School attendance shall conform with the State Education Code.

Children attending a community school shall not be segregated as "institution children" or set apart from other children in any way.

The institution shall accept responsibility for planning with each child for adequate vocational guidance and training in accordance with his individual needs, interests and abilities.

32375 SPECIAL EDUCATION

Each institution, in accordance with community education resources and/or its own resources, or some combination of these means, shall insure provision of a special education program for children who require this service.

32377 SOCIAL CUSTOMS AND EXPERIENCE

Day-by-day experiences shall be planned to prepare children for living outside of the institutional setting.

The plans developed shall include opportunities to participate in various social activities, to entertain and be entertained and to learn manners and customary social usages.

32379 RELIGIOUS TRAINING

Children shall be permitted and encouraged to attend the church of their own and their parents' choice and to participate in church activities.

Attitudes of religious tolerance shall be fostered.

When children of different religious faiths are accepted for care, consideration shall be given to the religious customs of the different faiths.

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32381 ECONOMIC EXPERIENCE

Opportunities for children to learn money values and property rights by experience shall be provided.

Arrangements shall be made for each child to have an allowance, based on a scale according to age and community standards, and the freedom to spend or save that allowance.

When children are given an opportunity to earn money in addition to their allowances, the child labor laws shall not be violated as to the hours of employment, type of occupation, work permits and wages.

32383 HOUSEHOLD DUTIES

Children shall be given an opportunity to learn to accept a share of responsibility for keeping their home clean, orderly and attractive, both as a means of participation in group living and as a preparation for adult life.

No child shall be used as a substitute for staff.

32385 SEX EDUCATION

Children shall be helped to develop wholesome attitudes about sex as an integral part of the institution preparation of the child for life and to have accurate knowledge according to their needs and understanding.

Child care workers shall be given appropriate training on responding to the day-to-day children's questions as they arise.

Formal sex education shall be given only by designated personnel, on an individual and group basis, as is appropriate to the child.

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CHAPTER 3 DAY NURSERIES
SUB-CHAPTER 1 LICENSURE APPLICATION REQUIREMENTS
ARTICLE 1 LICENSING PROCEDURE

34001 JURISDICTION - DEFINITION

The term "Day Nursery" includes:

1. Day nurseries for the children of working mothers.
2. Nursery schools for children under the minimum age for admission to public schools.
3. Parent-cooperative nursery schools.
4. Play groups for pre-school children.
5. Programs giving after-school care to school children.
6. All other types of group day care programs.

The term "Day Nursery" does not include:

1. Foster family day care homes.
2. Facilities offering 24-hour care.
3. Regular elementary schools which offer educational programs only.

34003 LICENSING PROCEDURES

The application form, INST 10 - Application for License shall be completed and signed under penalty of perjury, and shall be signed by both applicant and spouse when each has financial or administrative responsibility for the nursery.

Upon receipt of an initial application, the State Department of Social Welfare shall:

1. Require fingerprinting of:
 - a. Each applicant, other than an officer of a board of directors of a nonprofit organization.
 - b. The director of the nursery.
 - c. Each applicant's spouse residing on the premises of the nursery.
 - d. Each applicant's spouse having financial or administrative responsibility for the nursery.
2. Arrange for these persons to be fingerprinted by a person trained to take fingerprints.

(Continued)

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34003 (Continued)

3. Obtain criminal record clearance for these persons from the State Bureau of Criminal Identification and Investigation on Form CII-7.

If it is not possible to ascertain the criminal record or absence thereof by the fingerprint method, then resort to name check as a secondary, alternative method shall be made.

If a person's fingerprints are taken twice and both sets are not sufficiently clear to permit CII to effect clearance, use of the name check as a secondary, alternative method is permissible if the following conditions are observed:

- a. There is a completed, signed application in file which includes a statement as to whether or not the applicant has a criminal record.
- b. An entry is made in the licensing narrative record explaining effort to effect clearance by the fingerprint method and reason(s) for resorting to the name check.

Name check method shall also be used in unusual circumstances, e.g., if the person is physically unable to have fingerprints taken and is, in all other respects, qualified for a license.

4. Evaluate and make disposition of any such record received. (See Handbook Section DN-112.1.)
5. Request fire safety inspection from the State Fire Marshal.
6. Make an evaluation of the nursery in accordance with the established standards.

Licenses will be issued to nurseries which conform with the requirements set forth in this manual.

In a case of substantial compliance, a license may be issued at the discretion of the State Department of Social Welfare upon a finding that the deviations from the standards are minor and that the licensing of the nursery is in the best interests of the welfare of the children in the community.

34005 SPECIAL CIRCUMSTANCES

A license may be issued in exceptional circumstances, at the discretion of SDSW, to a non-profit facility which cannot meet all of the standards set forth in these regulations, upon a determination that the licensing of the facility will:

- a. Improve conditions for children in the neighborhood, and
- b. Provide a needed service that will otherwise not be available, and
- c. Not jeopardize the family relationships, or the emotional development, health or safety of the children.

No license shall be issued to a non-profit facility that cannot meet all of the standards set forth in these regulations until the SDSW has evidence from the users or potential users endorsing such a facility. If a license is issued pursuant to these exceptional circumstances, the letter accompanying the license shall specify the exceptions from regulations and the license shall bear the statement:

"Licensed under special circumstances pursuant to SDSW Regulation 34005"

This regulation (34005) shall expire on July 1, 1968, unless readopted by the Director of SDSW.

DO NOT WRITE IN THIS SPACE

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34007

CONFORMITY WITH TERMS OF LICENSE

The number and ages of children the nursery is authorized to accept will be specified on the license and must not be exceeded.

The license must be posted in a conspicuous place in the nursery.

Licenses are contingent upon continued conformity to the requirements of the State Department of Social Welfare.

The license applies only to the organization or person to whom it is issued and to the buildings approved.

34009

BUILDING PLANS

Plans for new buildings or additions or major alterations to existing buildings to be used for day nurseries or nursery school programs shall be submitted to the State Department of Social Welfare for review and approval before construction is started.

This requirement applies to multi-function buildings which may have other programs in addition to the day nursery. In these cases the review by the State Department of Social Welfare is limited to the nursery section.

34011

RENEWAL OF LICENSE

A renewal license shall not be issued until:

1. Criminal record reports are on file for the applicant, other than an officer of a board of directors of a nonprofit organization, and the nursery director.
2. Criminal record reports are on file for the applicant's spouse, if living on the premises of the nursery or having financial or administrative responsibility for the nursery.
3. Criminal record reports are on file for the spouse of the nursery director, if living on the premises of the nursery.
4. Evaluation has been made of any criminal records which may exist, and it has been determined that the persons involved are of such good character that issuance of license is not legally precluded.
5. Criminal record clearance is required only upon the first renewal of a license in effect prior to September 20, 1963, or upon the change of the director.

Renewal of a license issued in a case of substantial compliance, may be denied if the deviations from the standards have not been corrected.

34013

REVOCATION OF LICENSE

No license will be revoked until the licensee has had a reasonable opportunity to achieve conformity with the regulations in this manual.

A license will be revoked by sending a registered letter bearing the designation "Notice of Revocation" to the licensee. This letter will (1) state that the license is being revoked; (2) list the specific acts or conditions which constitute lack of conformity with regulations and the dates or time span involved; (3) establish a date for termination of operation and (4) explain the right to file an appeal from this action within 30 days.

If an appeal is filed, further proceedings will be conducted in accordance with the Administrative Procedure Act.

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SUB-CHAPTER 2 ORGANIZATION AND MANAGEMENT
ARTICLE 1 ORGANIZATION AND ADMINISTRATION

34021 ORGANIZATION - ALL DAY NURSERIES

The organization of every day nursery shall be such that legal responsibility is clearly defined and administrative authority specifically placed.

34023 ORGANIZATION - PROPRIETARY NURSERIES

The owner of the nursery is responsible for:

1. All debts and obligations.
2. Administration of the nursery.
3. Establishment of policies based on good educational and child welfare practices.

When the owner employs a teaching director, there must be a clear mutual understanding of the degree of administrative responsibility and authority delegated to the teaching director.

34025 ORGANIZATION - NONPROFIT NURSERIES

Nonprofit nurseries must have some form of organization that fixes responsibility and authority.

34027 INCORPORATION - NONPROFIT NURSERIES

Nurseries conducted as one function of a larger nonprofit corporation need not be incorporated separately.

ARTICLE 2 FINANCES

34041 FUNDS - ALL DAY NURSERIES

Sufficient funds shall be available at all times to insure adequate care of the children in accordance with:

1. The purpose of the nursery.
2. The type of program and service planned.
3. The standards of the State Department of Social Welfare.

34043 FINANCIAL PROCEDURES - RECORDS

Financial records including income and expenditures shall be maintained in sufficient detail to show the financial status of the nursery.

Financial records shall be available for review by the State Department of Social Welfare.

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ARTICLE 3: PERSONNEL

34061 GENERAL REQUIREMENT - ALL DAY NURSERIES

There must be sufficient qualified staff to carry out the program of the nursery.

34063 PERSONAL QUALIFICATIONS - ALL STAFF

All staff members must be of good character and equipped by education, training and/or experience for the work they are required to do.

All staff members must be in good physical and mental health.

All persons having direct contact with children must be of suitable age and temperament for work with children. These persons must have the following qualifications:

1. They must be mature, responsible adults.
2. They must have the qualities of warmth and friendliness.
3. They must have the ability to understand and accept individual differences in children and in all persons with whom they will be working.

34065 DIRECTOR

There must be a responsible director in charge of the nursery at all times it is in operation.

There must also be a responsible adult available at all times to substitute for the director in case he must leave the nursery.

The director, who is not the applicant for license, and the spouse of a director residing on the premises of the nursery, shall meet the same criminal record clearance requirements as those outlined for applicants under Section DN-112.

The duties and responsibility of the director must be clearly defined.

When the director's responsibilities include heavy administrative duties which limit the amount of time available for supervision of the children, this factor must be considered in determining the number of other staff to be employed.

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34067 TEACHERS (ADULT SUPERVISORS) - NUMBER - ALL NURSERIES

There must be an adequate number of qualified teachers on duty during the hours the nursery is in operation.

No group of children shall be left without adult supervision at any time.

There must be an adult in charge of each group of children and another adult must be immediately available to substitute in case of emergencies.

There must be an overall ratio of not less than one adult to 10 children, ages 2 through 4.

For children over five years of age, the ratio may be one teacher to 15 children.

34069 TEACHERS - NUMBER - PARENT-COOPERATIVE NURSERIES

Parent-cooperative nurseries must arrange for a regular continuing assistant teacher in addition to the director and participating parents when the number of children reaches 25.

There must be at least one adult (staff and participating parents) for each five children in attendance.

34071 CLERICAL, HOUSEKEEPING AND MAINTENANCE STAFF - ALL NURSERIES

Sufficient staff to carry out necessary clerical, housekeeping and maintenance functions shall be provided.

Persons employed for these functions shall not be included as teachers in considering the adequacy of teaching staff for regular supervision of groups, but may be used as emergency substitutes if personal qualifications and duties permit.

34073 OTHER PROFESSIONAL STAFF - ALL NURSERIES

When nurseries employ or use professional staff such as physicians, psychiatrists, social case workers, psychologists or nurses, these persons must meet the minimum professional standards in their particular fields.

Professional persons whose practice is regulated by state law, must meet the requirements of the Department of Professional and Vocational Standards.

34075 PERSONNEL PRACTICES - ALL NURSERIES

Workmen's compensation insurance shall be carried as required by the Labor Code.

34077 PERSONNEL PRACTICES - STAFF HEALTH

A complete physical examination by a licensed physician shall be required of each staff member (including the director, teachers, parent participants, cooks etcetera) prior to beginning work.

This examination must include the verification of freedom from tuberculosis required by W&IC Sec. 16017. (By law, the nursery must also have on file, reports showing that each employee has had the required test or X-ray within the last twelve months, and is free from tuberculosis.)

The physician's report shall be in writing and shall be kept on file in the nursery.

Staff members shall not be allowed to come to work when ill with contagious diseases (such as colds) or with other illnesses which would affect their performance.

Members of the staff shall be referred to their physician for check-ups when necessary.

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ARTICLE 4 - BUILDINGS, GROUNDS AND EQUIPMENT

34091 PLAYGROUND - GENERAL REQUIREMENT

There must be outdoor play space adequate in size for the group in attendance, properly surfaced and fenced and conveniently located in relation to the indoor facilities.

34093 PLAYGROUND - SIZE

There must be at least 75 square feet per child of outdoor play area.

34095 PLAYGROUND - LOCATION AND ARRANGEMENT

The playground must be so situated that it will:

1. Provide adequate sunshine and shade, according to climatic conditions and hours of operation.
2. Permit children to reach it without hazard.

Equipment and activity areas must be arranged so that there will be no hazard from conflicting activities. Solid equipment shall not be located where running children might bump into it.

34097 PLAYGROUND - SURFACING

The surface of the playground must have good drainage and be:

1. Safe and suitable for the activities planned.
2. Free of hazards, such as broken glass and other debris.
3. Properly maintained.

The areas under high climbing equipment, swings, slides and other equipment from which children might fall, must be of resilient material, such as tanbark or sand.

34099 PLAYGROUND - FENCING

The playground must be properly fenced with a substantial fence of sufficient height to provide adequate protection for children and to keep them in the playground.

All fish ponds, wading pools, swimming pools and similar bodies of water shall be made inaccessible when not in use, by fencing or covering.

Any construction or equipment (such as an incinerator) which cannot be removed, and which causes a hazardous situation on the playground must be adequately fenced off or enclosed.

34101 SAFETY

Physical facilities must be safe and suitable for the care of children and for the program of activities.

Awnings, canopies, or wooden lath structures used for shade must be approved for fire safety.

A fire safety clearance from the State Fire Marshal is required before initial licensing and before any change in the terms of the license which affects fire safety.

Denial of a fire safety clearance is caused for denial or revocation of license.

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34103

BUILDING - GENERAL REQUIREMENTS - ALL NURSERIES

1. Heating

All rooms used by the children shall be adequately heated.

Fireplaces and open-faced heaters shall be protected by adequate screens.

Heating equipment and installation shall be subject to the approval of the fire inspection authority having jurisdiction.

2. Windows

All rooms must be well lighted and ventilated.

Window space must be at least 1/8 of the floor area of the room, and 50% of the required windows must be openable.

3. Floor Covering

The floors of all rooms must have a surface which provides safety, warmth and cleanliness.

4. Cleaning Facilities

Adequate provision must be made for the storage of cleaning equipment, and for the disposal of waste water.

34105

INDOOR PLAY SPACE - GENERAL REQUIREMENTS

There must be adequate indoor space for the children's play activities and for dining and napping when these are included in the program.

Rooms to be used for indoor activities must be of suitable size and arrangements to permit:

1. Proper grouping.
2. Good program planning.
3. Necessary supervision.

34107

INDOOR PLAY SPACE - SIZE OF FLOOR AREA

The indoor play rooms must have sufficient floor area (occupied only by the children's play materials, equipment and furniture) to provide 35 square feet of floor space per child.

Floor space occupied by permanent built-in cabinets and shelves may not be considered as floor space available for play.

An exception to the floor area requirement may be permitted for nurseries offering a half-day program when:

1. Most of the program is carried on out-of-doors
2. The out-door play space is of proper size and easily accessible to the indoor play area
3. The nursery will be closed in inclement weather, or the capacity reduced to the number the indoor play area can properly accommodate.

34109

ISOLATION

Space must be provided in which a child who becomes ill may be cared for until he can be taken home.

This space must be an area not used by the other children, and must be convenient to the isolation toilet.

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34111

TOILETS AND HAND WASHING FACILITIES

There must be an adequate number of toilets and handwashing facilities in the nursery and accessible and available for general use by the children.

One toilet and handwashing facility is required for the first 14 children, and one additional toilet and lavatory must be added for every 10 children, or fractional part thereof in excess of 14 children.

There must be one toilet and handwashing facility, separate from the general use toilets for isolation, staff, and emergency use. It must be conveniently located.

There must be hot water (between 100° F and 130° F) in the washrooms.

34113

DRINKING WATER

Drinking water must be readily available both in the playrooms and on the playground, so that children are free to drink as they wish.

34115

KITCHENS

All nurseries which provide a noon meal must have a kitchen of adequate size.

Kitchens must be equipped with:

1. A stove and sink.
2. Hot and cold running water.
3. Refrigeration.
4. Storage space for food, dishes, and cooking utensils.

Kitchens shall not be used for:

1. Children's play activities.
2. Napping.
3. Passageways for children.

Half-day programs which serve a mid-morning snack only, are not required to have a kitchen when:

1. Adequate refrigeration is available for any perishable foods served.
2. Provision is made for washing any dishes, cups, glasses or utensils used.

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34117 OFFICE SPACE

Some space must be available in the nursery to serve as an office.

This space must be adequate in size and location, and properly equipped to meet the needs of the nursery.

34119 STAFF REST ROOM - FULL DAY PROGRAMS

There must be a properly equipped room available for use as a staff rest room.

The equipment in this room must include:

1. A day bed or couch.
2. Space for storage of coats and personal belongings.

34121 FURNITURE AND EQUIPMENT

An adequate number of tables and chairs must be provided to meet the needs of the group to be served for meal time and play activities.

Tables and chairs must be scaled to the size of the children using them.

There must be a well-constructed cot and bedding available for each child who naps.

Suitable play equipment and materials must be provided. (See Sec. 34203 .)

All equipment must be kept in good condition, free of sharp, loose or pointed parts.

Furniture and equipment must be arranged so as not to interfere with exits.

34123 STORAGE SPACE

Suitable provision must be made for storage of the children's clothing and personal belongings.

There must be adequate storage space in the play rooms for play materials and equipment to be used by the children.

There must be storage space for extra supplies of play materials in or conveniently near the play room or playground.

Storage for cots and bedding must be provided in a location which is convenient to the napping areas.

A locked cabinet or other storage space inaccessible to the children shall be provided for First Aid supplies.

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SUB-CHAPTER 3 CARE AND SERVICES
ARTICLE 1 ADMISSION POLICIES AND PROCEDURES

34141 ADMISSION POLICIES - GENERAL REQUIREMENT

Every nursery must establish admission criteria designed to guide in the selection of children who can benefit most from the program and services it has to offer.

Every nursery shall state its admission criteria in writing and make such written policies available to the public.

The admission policies established by each nursery shall be determined by the total program, including:

1. The hours of operation
2. The size of groups
3. The number and qualifications of staff
4. The program activities
5. The supplementary services provided.

Although its program will determine the specific admission policies established by each nursery, the admission policies of all nurseries must include the following:

1. Children under two years of age shall not be accepted
2. Each child admitted must be determined to be:
 - a. Ready for the type of group experience that the nursery has to offer
 - b. Able to benefit from the program offered.
3. Children who are physically handicapped or emotionally disturbed shall not be accepted, unless it is determined that:
 - a. There will be no adverse affect upon other children, either through direct behavior of the child or through requiring staff time needed by other children, and
 - b. The nursery is able to meet the individual needs of the child.

34143 ADMISSION POLICIES - NONDISCRIMINATION

The written admission policies shall include a statement that the nursery is operated on a nondiscriminatory basis, according equal treatment and access to services without regard to race, color, religion, national origin or ancestry. An otherwise eligible child may not be excluded on the basis of these characteristics, except as indicated below.

A nonprofit nursery established to serve an identified group may serve children of this group, but shall not discriminate within the group on the basis of race, color, religion, national origin or ancestry.

A religious group may elect to serve children of a particular religious faith, but may not discriminate within the group on the basis of race, color, national origin or ancestry.

Until July 1, 1965, licenses granted to any nursery failing to meet the Department's standards pertaining to nondiscrimination shall be limited to authority to care for those children under care at the time the finding of nonconformity is made.

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34145

ADMISSION PROCEDURES -- GENERAL REQUIREMENTS

Each nursery must develop an admission procedure according to its individual program, policies and needs.

Regardless of the individual situation, the admission procedure must meet the following requirements:

1. There must be a plan for initial and continuing relationships between nursery and parent, which provides for a sharing by the parent in the decision about the admission of the child to the nursery and in all later decisions affecting the child.
2. There must be a plan for admission of the child to the group that will allow for gradual orientation of the child to the nursery.

34147

ADMISSION PROCEDURES -- INTERVIEWS WITH PARENTS

The admission procedure must include a personal interview or interviews with the parent to exchange information and arrive at a joint decision about the admission of the child.

During the admission interviews, the parent must be given complete information about the nursery. This must include its admission policies and procedures, activities, services, regulations, hours and days of operations, and fees.

In these interviews, the nursery must obtain the following:

1. Assurance that the parent has a practical and realistic way of providing for the care of his child when ill.
2. All identifying information required by Section 34183 - Case Records.
3. All health information required by Sections 34223 - 34229. (Pre-Admission Health Evaluation).
4. Instructions as to the action to be taken in case the parent or the physician designated by the parent cannot be reached in an emergency. See Section 34237 - Emergency Medical Care.

34149

ADMISSION PROCEDURES -- CHILD

Each child's first days in the nursery must be planned for on an individual basis to make his adjustment to the nursery and to separation from his parents as smooth as possible.

ARTICLE 2 CONTINUING SERVICES TO PARENTS AND CHILDREN

34161

GENERAL REQUIREMENTS

All nurseries must maintain close contact with the children's parents so that the parents are informed about the child's activities, adjustment, and development.

Services requiring professional skills shall be given only persons who meet recognized professional qualifications.

Nurseries which provide casework or counseling services directly must have professionally qualified staff for these functions.

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ARTICLE 3 CASE RECORDS**34181 GENERAL REQUIREMENT**

A complete and current record shall be maintained for each child and shall be readily available at all times.

34183 CONTENT OF RECORD

The record on each child enrolled shall include the following:

1. Identifying Information, including:

- a. Child's full name, birthdate and current address
- b. Father's full name
- c. Mother's full name
- d. Addresses of both parents - if available
- e. Name, address, telephone (home and business) and signature of person or persons responsible for child
- f. Names of persons authorized to take child from the nursery
- g. Names, address, and telephones of relatives or others who can assume responsibility for the child, if for some reason, the parent cannot be reached immediately, in an emergency
- h. Name, addresses, and telephone of physician to be called in an emergency

2. Health Information, including:

- a. Health history prior to admission, including immunizations.
(See Secs. 34223 and 34229)
- b. Physician's Pre-admission report. (See Sec. 34227)
- c. Instructions for the action to be taken in case the parent or the physician designated by the parent, cannot be reached in an emergency. (See Sec. 34237)
- d. Continuing health history, including:
 - (1) Information on illnesses while enrolled in the nursery
 - (2) Detailed information on any accident or injuries to the child in the nursery, and any emergency medical attention given.
 - (3) Significant information learned from observation of the child.

3. Information about enrollment and attendance, including dates of admission and discharge.

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ARTICLE 1 PROGRAM

34201 GENERAL REQUIREMENTS

Each nursery must provide a well balanced program of daily activities designed to meet the needs of the children served and based upon the principles of good nursery education.

The daily schedule must provide a certain amount of regularity to permit children to have:

1. The security of knowing what comes next.
2. A regular schedule of physical routines -- meals, snacks, naps, and toileting.

There must be no regimentation of individual children to fit the schedule established.

34203 PLAY EQUIPMENT AND MATERIALS

Play materials and equipment in sufficient variety and quantity to meet the interests and needs of the children must be provided.

Equipment and materials must be suitable for the age range served, and must be selected according to the type of supervision provided.

34205 PROVISION FOR NAPS

Provision must be made for all children under five years of age to have a nap after lunch.

Adult supervision must be provided during nap periods.

Napping cots must be spaced to prevent overcrowding and to allow the children to rest well without distraction or disturbance.

34207 DISCIPLINE

Constructive methods must be used for maintaining group control and handling individual behavior.

Corporal punishment and other humiliating or frightening techniques are prohibited.

Punishment must not be associated with food, rest, isolation for illness or toilet training.

34209 ATTENDANCE RECORDS

A daily attendance record shall be maintained and shall be readily available at all times.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

ARTICLE 5 HEALTH PROTECTION
34221 GENERAL REQUIREMENT

All nurseries must make adequate provision for the protection of the health of the children coming into their care.

34223 PRE-ADMISSION HEALTH EVALUATION

Prior to accepting a child, the nursery must determine that he is:

1. In good general health.
2. Without defects or illness which would endanger other children in the nursery or make his participation in vigorous activities inadvisable.
3. Physically and emotionally ready for the particular program of the nursery.

The nursery must secure information as to any special health problems or handicaps which will require attention in the nursery or limit the child's activities.

The pre-admission health evaluation must include the information required by Secs. 34225 - 34229.

34225 HEALTH HISTORY

Before a child is accepted for care, the nursery must obtain from the parent, sufficient information about the child's health and development to:

1. Be sure that the child is within the normal range in health and development.
2. Know enough about the child to be able to understand his individual needs and be certain that they can be met in the nursery program.

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CONTINUATION SHEET
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34227 PHYSICIAN'S REPORT

Prior to admission, the nursery must obtain for each child, not otherwise exempt, as provided below, a written report from a licensed physician, preferably the family physician.

The physician's report must cover the child's:

1. General health.
2. Physical and emotional maturity.
3. Special problems and needs.
4. Immunizations.

The parent shall be required to have the child examined prior to admission, if the child has not had regular health supervision and there is no physician who can complete the report on the basis of his prior knowledge of the child's health.

Exception: Parents who adhere to a religious faith practicing healing by prayer or other spiritual means, may be exempted from this requirement if they:

1. Provide the required health history.
2. Sign a statement which indicates their:
 - a. Acceptance of full responsibility for the child's health.
 - b. Refusal to obtain a medical examination of the child.
 - c. Request that no medical care be given to the child.

34229 IMMUNIZATIONS

All children not exempt from this requirement must have the following immunizations before admission:

1. Smallpox vaccination
2. Diphtheria
3. Pertussis
4. Tetanus

The nursery must obtain, as part of the pre-admission evaluation, information as to whether such immunizations have been given, and shall refer all children not adequately protected for necessary immunizations.

Exception: A child may be exempted from this requirement when:

1. His physician recommends against immunization on medical grounds, or
2. His parents sign a request for exemption on the basis of religious belief.

34231 CONTINUING HEALTH SUPERVISION

Nurseries must maintain continuing supervision of the children's health throughout the period of attendance.

The nursery staff must be alert to signs of physical, emotional, or mental problems which may interfere with a good adjustment in the nursery.

Any unusual behavior or signs of illness shall be reported to the parents.

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11360.1)

34233 MORNING INSPECTION

Ill children shall not be accepted for care in a nursery.

The nursery must make every effort to gain the cooperation of parents in keeping their children at home when they are not well.

The nursery has responsibility for seeing that children with obvious symptoms of illness, including the common cold, are not accepted.

The regular reception procedure used to meet this requirement must include the following:

1. A parent or a person designated by the parent must bring the child into the nursery, unless the child is old enough to come alone and the parent has made this plan with the nursery.

Children must not be dropped off at the door.

2. The adult bringing the child must remain until the child is accepted.
3. The child must be observed by a staff member who:
 - a. Knows the child.
 - b. Has had instructions as to early signs of illness and screening procedures.
4. The specific inspection procedure used must be in accordance with the advice of the nursery's consulting physician or local health department.
5. The inspection procedure must take place before the child enters the group.

When children are picked up by automobile at their homes, the inspection procedure must take place before the child enters the car.

Special attention shall be paid when:

1. A child has been absent because of illness.
2. A particular contagious disease is epidemic.

Under these circumstances, the nursery must be particularly careful to watch for early signs of this illness.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

34235 ISOLATION

Some provision must be made for isolating and caring for a child who becomes ill during the day. (See Sec. DN-154.2, Isolation.)

The parent shall be notified immediately when a child becomes ill, and asked to come for him at once.

An ill child may be kept in the nursery only until his parent can come for him.

34237 EMERGENCY MEDICAL CARE

In cases of illness, accident, or injury to any child, the nursery must be able to make prompt arrangements for notification of the parents and for medical care, if necessary.

Parents shall be notified immediately of any illness or injury to the child in the nursery, and their specific instructions regarding action to be taken, obtained.

The nursery must be prepared to obtain emergency medical care without specific parental instruction in case the parents cannot be reached immediately, or the nature of the illness or injury is such that there should be no delay in getting medical advice. For exception, see Section DN-211.2.

The nursery must have an arrangement with a nearby physician, clinic, or hospital so that immediate treatment can be obtained in emergencies.

34239 FIRST AID

The nursery shall maintain first aid supplies sufficient to care for minor cuts and scratches.

The first aid supplies shall include only those items the person in charge is qualified to use.

34241 GENERAL SANITATION

Nurseries must maintain an acceptable level of general sanitation and cleanliness with regard to the plant, playground, equipment and storage of supplies, bedding, clothing, etc.

Provisions for proper washing of dishes and cooking utensils must be made.

The use of common wash cloths and towels by the children is prohibited.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11300.1)

ARTICLE 6 NUTRITION AND FOOD SERVICE

34261 GENERAL REQUIREMENT

Nurseries in which children are cared for during regular meal times must make adequate provision for meeting their dietary needs.

34263 NOON MEAL

Nurseries in which children remain through the noon hour must see that each child is provided with a meal which includes approximately one-third of the child's daily food needs according to standards of the National Research Council. (Information on National Research Council Standards is available from the State Department of Social Welfare.)

Since this meal is usually the child's main meal of the day, it must include an adequate portion of a protein dish of meat, fish, or eggs (or occasionally dried beans or peas, peanut butter or cheese).

34265 MORNING AND AFTERNOON SNACKS

A midmorning snack of fruit juice or other light food shall be served in all nurseries.

An afternoon snack of milk and crackers, fruit juice, or other similar food shall be served to children in all-day programs after they get up from their naps.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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CHAPTER 4 ADOPTIONS
SUB-CHAPTER 1 ADOPTION AGENCIES LICENSING APPLICATION
ARTICLE 1 LICENSING

36001 AGENCY ELIGIBILITY FOR LICENSE

To be eligible for license, an adoption agency must conform to all applicable rules and regulations of the SSWB.

An agency will be considered for license only if there is no adoption placement service available in the community, or if the services provided by other adoption agencies are not sufficient to serve the parents applying for it or the children who are in need of it.

The agency must be able to provide, or there must be resources available in the community to provide, for financial assistance including medical and hospital expenses, for mothers who need it; for support of children accepted for study; for medical and psychiatric services for children as needed; and an adequate number of foster homes for children under study or awaiting adoption placement.

The agency must be coordinated with other community welfare services.

A. County Adoption Agencies

The agency must be designated by the county board of supervisors as the single public agency in the county through which adoption services will be offered.

B. Private Adoption Agencies

The agency must be organized and operated on a non-profit philanthropic basis.

36003 LICENSING PROCEDURE - APPLICATION FORMS

Application for a license to conduct an adoption agency must be filed in duplicate with the SDSW on forms prescribed by the department.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

36005

THE APPLICATION

- A. Application from a public agency must be signed by the chairman of the board of supervisors, and a copy of the resolution of the motion of the board authorizing the chairman to sign the application and to enter into the necessary agreement with the SDSW must be attached.
- B. Application from a private agency must be signed by the presiding officer of the board of directors and the executive officer of the agency, if selected, or a second officer of the board of directors if the executive officer has not yet been appointed. A copy of the board authorization to its representative to apply for such a license must accompany it.
- C. Application must be accompanied by:
1. A written plan of operation in duplicate, covering the following:
 - (a) Statement of program goals and description of services.
 - (b) Administrative organization - narrative and chart of total agency.
 - (c) Personnel - number, qualifications, and duties.
 - (d) Physical facilities and office arrangement - diagrams.
 - (e) Forms and clerical system - samples.
 - (f) Budget and financing, by item.
 2. Statement of facts on which need for service was determined and plans for coordination with other community welfare services.
 3. List of membership of governing board and any advisory committee showing length of term and interest or qualifications on which selection was based and indicating which persons serve as officers and in which position.
 4. For the private agency, a copy of its constitution and by-laws and, if it is incorporated, a copy of the Articles of Incorporation.
 5. For public agency maternity care program, see Section 36017.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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36007 TERMS OF LICENSE

Adoption services which a licensee may render are limited to those specified by the license.

36009 DELEGATION OF RESPONSIBILITY FOR INDEPENDENT ADOPTIONS

If the SDSW delegates responsibility to a public agency for the independent program, it must be shown on the license.

36011 AMENDED LICENSE

Proposed major changes in program or organization shall be submitted to the SDSW for review and possible issuance of amended license.

36013 RENEWAL OF LICENSE

An agency which has filed application for the renewal of its license within the time specified by law shall be deemed to be operating under a license of the SDSW until such time as the application has been acted upon.

36015 TERMINATION OF LICENSE

License may be terminated by the SDSW for failure of the agency to meet the standards and regulations as defined in this manual. (See Sec. 36125.)

36017 MATERNITY CARE PLAN

The maternity care program authorized under Section 16102 of the W&I Code shall be based upon a written plan submitted by the county adoption agency and shall be used as a resource to supplement other medical plans as well as the mother's personal resources. (See Regulation Section 36147.)

36019 COUNTY ADOPTION AGENCY AGREEMENTS - MATERNITY CARE PROGRAM

If a county adoption agency makes a plan for maternity care for the mother, it shall enter into an agreement with a licensed physician and surgeon, a licensed private hospital, or a hospital operated by the Regents of the University of California or a combination of these for the care of the mother who is financially unable to provide for her own care.

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

36021 TO WHOM PAYMENT IS MADE

Payment for the mother's maternity care shall be made directly to the physician, private hospital, hospital operated by the Regents of the University of California, clinic, or medical facility. (See Fiscal Manual Section F-940.30)

36023 PERIOD FOR WHICH PAYMENT CAN BE MADE

The county adoption agency shall pay for maternity care in the amount agreed upon by the agency and the physician or hospital during the time the mother is considering an adoption plan.

Payment for maternity care for mothers who request service and assistance with maternity care before the child's birth shall be limited to charges incurred from the time of application and approval for maternity care. Exceptions may be made for the mother who, at the time of request for service, did not apply for maternity care but subsequently is unable to meet the cost of maternity care and applies for maternity care assistance within 30 days after birth of the child.

Payment for mothers who request service and assistance with maternity care within 30 days after birth of the child shall be limited to mothers who (1) did not have prenatal care, or (2) requested service so late in pregnancy that application and approval for maternity care could not be made before delivery, or (3) did not decide to consider relinquishment for adoption as a plan until after the child's birth. In any event, the decision to approve payment of maternity care must be based on a bona fide request for adoption services and not primarily related to the agency's paying maternity expenses of the mother.

The agency shall notify the doctor and hospital if the adoption plan is terminated. No payment shall be made for services rendered after termination of the adoption plan.

36025 REPAYMENT OF MATERNITY CARE

Even though a decision is reached not to relinquish a child to the agency, the mother, the husband, the child's father, if appropriate, shall not be held liable for repayment of maternity care. However, if the agency is reimbursed for all or part of the maternity assistance, then the reimbursement shall be deposited in the special deposit fund.

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(Pursuant to Government Code Section 11380.1)

SUB-CHAPTER 1

ARTICLE 2 ORGANIZATION AND ADMINISTRATION OF AN ADOPTION AGENCY

36041 ADMINISTRATIVE RESPONSIBILITY FOR AN ADOPTION AGENCY - PUBLIC
AND PRIVATE AGENCIES

Legal responsibility for an adoption agency or service shall be clearly defined and administrative authority specifically placed, in accordance with the regulations of the SSWB.

36043 CONSTITUTION AND BY-LAWS - PRIVATE AGENCIES

The agency shall have a constitution and by-laws setting forth its purpose, making provision for control by a responsible governing body.

The constitution and by-laws must contain the following information:

1. The name of the organization.
2. The purpose of the organization.
3. The relationship of the adoption service to the general membership, larger organization and/or auxiliaries, if any.
4. The location of the administrative authority for operation of the adoption program.
5. The powers and duties of the governing board.
6. The size, composition and method of selection of board and the terms of office established for its members.
7. The organization of the board, including the officers, the method of their selection, their term of office, and their duties.
8. The plan for regular meetings of the board and the number of members necessary for a quorum.
9. The methods of financing the agency or service.
10. The methods by which changes in constitution and by-laws can be effected.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

36045 GOVERNING BOARD MEMBERSHIP - PRIVATE AGENCIES

Board members shall serve without compensation, but may be reimbursed for expenses.

No board member shall profit financially by reason of his membership nor be employed by the agency regularly either full time or part time.

Membership shall be distributed so that no single profession shall have control.

36047 BOARD METHOD OF SELECTION - PRIVATE AGENCIES

Members shall be elected by the supporting membership or by a representative body for a definite term of office. Provision shall be made for the replacement of members who become inactive.

36049 BOARD MEETINGS - PRIVATE AGENCIES

The board shall keep minutes of all its meetings and shall make them available for review by the SDSW.

36051 BOARD DUTIES - PRIVATE AGENCIES

The board shall formally adopt a written statement of its responsibilities to which the members agree.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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36053 BOARD COMMITTEES - PRIVATE AGENCIES

Provision shall be made for the appointment of standing committees and such temporary or special committees as are needed.

36055 RELATIONSHIP OF BOARD TO EXECUTIVE AND STAFF - PRIVATE AGENCIES

There shall be division of responsibilities between the board and executive in order that an efficient administration may be provided. The board shall delegate to the executive the responsibility for administration, but the board shall determine the major policies and the general plan of operation based upon its knowledge of agency problems and community needs. The general policy of the board shall be to include the executive at all regular meetings.

36057 FINANCES - PRIVATE AGENCIES

The agency shall be soundly financed to insure an adequate standard of service. An agency may solicit funds but this may not be a condition to placement of a child for adoption.

It shall have sufficient funds to provide the services which it offers and to provide continuing care for children relinquished to it who may require prolonged study or treatment before placement, children who may be returned to it prior to completion of the adoption, and relinquished children who cannot be placed for adoption.

The scope and size of the agency's services shall be so planned that adequate standards of service are maintained.

Policies and practices governing receipt and expenditures of money shall be in accord with sound budgeting, disbursement and audit control procedures. Financial records shall be maintained of receipts, disbursements, assets and liabilities.

36059 FINANCES - PUBLIC AGENCIES

In order for the state to reimburse the county for the administration of an adoption program, there must be a plan of operation developed by the agency and approved by the SDSW. Reimbursement shall be in accordance with the plan of operation and with the terms of the annual budget approved by the State Department of Social Welfare. Claims for administrative expenditures shall not include expenditures defined as adoption cost of care.

36061 FEES FOR ADOPTION SERVICE - PUBLIC AND PRIVATE AGENCIES

Any fees charged for service shall be based upon the cost of service and shall be defined as such at the time of application for service.

The maximum fee shall be approved in advance by the SDSW.

CONTINUATION SHEET
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36063 PERSONNEL POLICIES AND PRACTICES - PUBLIC AND PRIVATE AGENCIES

Personnel policies and practices which will attract and hold competent, well-qualified staff, and stimulate professional growth, shall be formulated. Personnel policies shall be in writing and shall be available to staff.

36065 SELECTION AND TENURE OF STAFF - PUBLIC AND PRIVATE AGENCIES

Employment and tenure of position shall be based solely upon competence.

36067 NUMBER OF STAFF - PUBLIC AND PRIVATE AGENCIES

Professional and clerical staff shall be sufficient in number to perform the functions of the agency.

36069 QUALIFICATIONS OF STAFF - PUBLIC AND PRIVATE AGENCIES

All persons employed in professional social work positions in an adoption agency or a department of an agency performing adoption services shall be qualified for their responsibilities by training, experience, personality, character and health. Staff must meet the qualifications of the child placing agency standards. Specific qualifications for professional staff appear in sections below.

36071 THE EXECUTIVE

A. Responsibility - Public and Private Agencies

The executive is responsible for the operation of the agency and is held accountable for it. He may delegate his authority but not his responsibility.

B. Qualifications - Private Agencies

The executive shall have professional training in the field of child welfare or have demonstrated ability and leadership through experience as an executive in the field of child welfare.

When the organization of the agency may necessitate, the executive shall have such other qualifications as are required for the additional duties he may have to assume, such as supervision of casework.

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36073

CASEWORK SUPERVISORS - PUBLIC AND PRIVATE AGENCIES

A. Responsibility

Casework supervisor shall be employed to be responsible to the executive or his delegated assistant for the adequate performance of casework by designated staff members.

B. Qualifications

Casework supervisors shall be qualified by training and experience, the minimum of which shall be:

1. Successful completion of two years of graduate work in an accredited school of social work, and at least three years of experience in a casework capacity in the field of family or child welfare, at least one year of which should have been in the field of child placement, or
2. Successful completion of one year of graduate work in an accredited school of social work, at least three years' experience in a casework capacity in the field of family or child welfare, at least one year of which should have been in the field of child placement, preferably adoptions, and at least two years of experience in the capacity of casework supervisor; or
3. Successful completion of one year of graduate work in an accredited school of social work, and at least three years of experience in a casework capacity in the field of family or child welfare, at least one year of which should have been in the field of child placement, preferably adoptions, and demonstrated ability within the agency for promotion to casework supervisor.

36075

CASEWORKERS

A. Responsibility

Caseworkers shall be employed to carry out the agency's responsibility for casework services.

These services include making social studies, planning and carrying out social treatment, home finding and casework with children, and the use of specialists and specialized services as necessary.

B. Qualifications

Caseworkers must have the following minimum qualifications:

1. Successful completion of two years of graduate work in an accredited school of social work, or
2. One year of graduate work in an accredited school of social work and at least two years of experience in the field of child welfare or family welfare, or
3. If one year of graduate work has not been completed, then the caseworker shall have had at least four years of paid experience in the field of child welfare or family welfare, at least two of which should have been in child placement.

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SUB - CHAPTER 1
ARTICLE 3 AGENCY OFFICES AND RECORDS

36101 OFFICE FACILITIES FOR ADOPTION AGENCIES

The agency shall be housed in offices which are adequately equipped, which provide privacy for interviewing and which are conveniently located for the public.

36103 RECORDS, REPORTS AND STATISTICS

Immediate notice shall be given to the State Department of Social Welfare in all cases where the agency is served with a notice of appeal or a petition for return of any kind in an appellate court, or where the agency learns that a notice of appeal has been filed in any guardianship or custody action involving a child who is also the subject of an adoption. All developments on any such case are to be reported promptly.

Current administrative records shall be maintained by the agency in such a form as to provide an index to all cases, including location of children under care, and including all foster homes in use.

Monthly statistical reports shall be submitted as required by the SDSW.

Copies of current policies as adopted by the board of the agency shall be submitted to the SDSW.

Such other records shall be maintained and reports submitted as may be required by the SDSW.

36105 CASE RECORDS

- DO NOT WRITE IN THIS SPACE
- A. The agency shall maintain a case record for each family unit or individual served in its adoption placement program.
 - B. During the study process, the agency shall maintain a complete record on each independent case assigned to it for study and report. When the court report is filed and the case is closed, the record shall be returned to the SDSW, Sacramento, for permanent filing.
 - C. Each case record shall contain a face sheet or application form, a written record of the study including medical and relevant psychological or psychiatric reports and correspondence, verifications and legal documents, evaluation of findings, court reports, decisions reached and action taken.
 - D. All information in adoption case records shall be confidential. (See Sec. (36421))

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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36107

CASE DOCUMENTS FILED WITH SDSW

The following material shall be submitted by adoption agencies regarding children and applicants:

1. Children

- a. Notice of acceptance of child by the agency, whether for study or for care, (Form AD 550)
- b. A certified copy of the relinquishment or notice of procedure in lieu of relinquishment (Form AD 551-A) accompanied by a face sheet giving identifying information on the child and his family,
- c. Notification of placement for adoption or replacement which shall show the name of the child placed, date of placement, and the names of the couple with whom the child is placed, (Form AD 558)
- d. If the adoption of a child placed by the agency has been, or is being, completed outside the state, notice of the fact,
- e. If a relinquishment is rescinded after filing with the SDSW a copy of the agreement between the agency and the parent(s) rescinding it,
- f. Notice of removal of child from the adoptive home.

2. Applicants

Notice of application. (Form AD 552-A)

36109

FORMS AND FORM LETTERS

The forms for relinquishment and consent are prescribed by the SDSW.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

SUB CHAPTER 1

ARTICLE 4 AGENCY TERMINATING ITS ADOPTION SERVICES

36121 CONTINUING AGENCY RESPONSIBILITY

An adoption agency is responsible for the care and support of any child for whom relinquishment has been accepted and filed until the child is adopted, dies, or reaches maturity, unless the relinquishment has been rescinded by mutual consent of the agency and the parent or parents. (See Sec. 224m and 224n, Civil Code)

An agency terminating an adoption service must:

1. Pay all financial obligations incurred by it.
2. Refund any fees collected for services not performed by the agency before its termination.
3. Retain or make available sufficient funds.
 - a. To provide for the support of all children for whom relinquishments have been accepted and filed with SDSW.
 - b. To provide for necessary staff to complete its services to all children for whom it has responsibility.
4. Retain staff adequate in number and for the period of time necessary to complete its services and discharge its obligations.

36123 COMPLETING CASEWORK SERVICES

The staff retained by the agency to complete its work will be responsible for completing services to its clients as follows:

1. For children in adoptive placement, supervision of the family until adoption can be approved and assistance in completing it.
2. For children relinquished but not placed or children needing replacement, placement for adoption, arrangements for placement through another agency or other permanent plan.

Care and supervision of a relinquished child may be transferred to another agency but the agency to which he was relinquished retains responsibility for him.
3. For children accepted for study or care but not relinquished, case-work services to the natural parents and the child until a suitable plan is arranged.
4. For expectant mothers accepted for service, help in obtaining service from other sources.
5. For adoptive applicants who are being studied or where homes have been approved but will not be used, referral to another agency if indicated. Social data and evaluation should be made readily available to other agencies on authorization of the applicant.
6. Services initiated on closed cases should be completed.

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36125 CASE RECORDS OF TERMINATED ADOPTION SERVICES

The full case records on all completed adoptions, placements for adoption, and children relinquished for adoption shall be sent to the SDSW for permanent filing and reference. This will include records and documents regarding natural parents, child, and adoptive parents. (See Sec. 36015)

Case records or material or documents, submitted by natural parents or adoptive applicants without expectation of return and those cases terminated without placement may be destroyed, but full identifying information and dates of service shall be indexed and filed with the SDSW. (See Sec. 36015)

SUB-CHAPTER 2 RELINQUISHMENT ADOPTIONS
ARTICLE 1 PROGRAM IN ADOPTION PLACEMENT AGENCY

36141 AGENCY PROGRAM

An adoption agency program shall be centered on finding homes for children for whom adoption appears to be the best plan. In accomplishing this, services are given to natural parents and their children and to adoptive applicants.

36143 AGENCY STANDARDS OF SERVICES

The processes of intake, placement, supervision, and termination of care shall be in accord with accepted social case work standards and the standards of child care and placement as approved by the SSWB.

36145 CASE RECORDING

There shall be a written narrative record containing information which will be used to substantiate decisions and plans of action.

36147 ACCEPTABLE MEDICAL REPORTS

Medical examinations and reports shall be completed by doctors who are licensed as physicians and surgeons.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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SUB-CHAPTER 2
ARTICLE 2 NATURAL PARENTS AND CHILDREN

36161 INTAKE POLICIES

The agency shall accept for service only those children for whom it is free to select adoptive parents.

36163 SERVICES - NATURAL PARENTS

The agency shall provide adequate services to natural parents, including casework service and referral to other agencies when indicated, and shall see that help is given to parents in making the best plan for the child and themselves.

36165 REQUIRED STUDY - NATURAL PARENTS

The agency shall make a study of the natural parents relinquishing a child for adoption. The study shall include identification, personality and temperament, background information, religion and religious preference for the child, health, marriages, other children and other relevant data which will be helpful in planning for the child.

The agency shall verify marriages and dissolution of marriages including the marriage of parent or parents at time of child's birth; previous marriages of mother, and termination of each by death, divorce or annulment; first marriage of mother subsequent to child's birth.

When verification of the dissolution of all marriages is not possible, the marriages preceding a divorce decree may be deemed to have been validly dissolved. A valid divorce presupposes that the marriage was valid and a valid marriage presumes the proper dissolution of any previous marriage. The last divorce decree can be accepted as disproving the parental relationship of prior presumptive fathers.

Note: This applies to divorces as distinguished from annulment. An annulment does not connote the existence of a valid marriage.

Medical reports shall be secured; the report from the obstetrician should include a blood test for syphilis and a statement regarding any complications of pregnancy or birth.

36167 MATERNITY CARE PROGRAM

The maternity care program shall be used to help the mother with private medical and hospital care when she is financially unable to pay for this care, and when the use of public medical or other services is not indicated.

36169 WHO MAY RECEIVE MATERNITY CARE ASSISTANCE

For purposes of receiving maternity care, the mother may be married or unmarried, but must be considering adoption at the time of approval for maternity care.

36171 RESOURCES AVAILABLE TO THE MOTHER

In determining financial need the mother's resources shall be discussed and evaluated with her, with her husband, or the child's father, as appropriate.

36173 LEGAL RESIDENCE

Legal residence shall not be a requisite for financial aid.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

36175 SERVICES AND STUDY - THE CHILD

The agency shall provide casework services and care for children accepted by it, including preventive and remedial medical care.

The agency shall make a careful study of each child accepted for adoption service to determine his needs and capacities and to relate them to choosing the family which can offer the best setting for his growth and development. The study shall include identification; developmental history and evaluation of it in relation to life experience, school data and religious affiliation.

The agency shall obtain the birth certificate of the child as soon as possible.

The agency shall obtain complete information regarding the legal status of the child.

The agency shall obtain medical reports as necessary. These shall include a written report of testing for Phenylketonuria (PKU) for all newborn infants in accordance with Regulations of the State Department of Public Health, and for filing of the report in the case record. (Title 17, Public Health, Chapter 4, Subchapter 9, Article 1, Section 6500, California Administrative Code.) Where no such test has been administered the agency shall be responsible for seeing that it is done.

The State Department of Public Health Regulations provide for the following exceptions from testing:

- a. If a parent or legally appointed guardian objects to a test on the ground that it conflicts with his religious beliefs or practices, or
- b. If it is determined by a patient's physician that there are medical contraindications to following the procedure prescribed.

Such exception(s) (a or b above) shall be noted in writing by the parent, legally appointed guardian, or physician, and a report of such exception(s) filed in the case record.

36177 AUTHORIZATIONS FOR RELEASE OF INFORMATION

Authorizations for the release of medical and social information shall be obtained from natural parent(s) or from persons who are able to act for the child.

36179 AUTHORIZATION FOR MEDICAL CARE

Authorization for medical care to the child shall be obtained from the parent or from persons able to act for the child prior to relinquishment.

36181 PREADOPTIVE CARE

- A. An agency shall not accept a child for care until the parent(s) or a person or agency who can act for the child has expressed their interest in adoption.
- B. Any facility used to provide foster care shall be licensed or approved in accordance with the standards and procedure of the SDSW.
- C. Preadoptive foster care shall not be continued unnecessarily or indefinitely.
- D. The agency shall be responsible for carrying out policies in the use of foster care facilities as set forth in the Standards for Child Placing Agencies.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

SUB-CHAPTER 2
ARTICLE 3 RELINQUISHMENT

36201 PREREQUISITES TO RELINQUISHMENT

Prior to accepting a relinquishment the agency shall determine that parent(s) understands the content and effect and has chosen the plan of adoption for the child and that the child can be freed for adoption..

36203 ACCEPTANCE OF RELINQUISHMENT

A relinquishment shall not be accepted until after the child is born and the mother has left the hospital.

36205 ACCEPTANCE OF RELINQUISHMENT--PARENT WITH HISTORY OF MENTAL ILLNESS OR MENTAL DEFICIENCY

- A. Prior to accepting a relinquishment of a parent who is a patient in or on leave from a state hospital or under private psychiatric care, the following information must be obtained:
1. a. Verification of the type of commitment involved. (Voluntary or involuntary.)
 - b. Whether or not there were separate Probate Court proceedings determining incompetence and appointing a guardian.
 - c. An unequivocal statement, in writing, from the treating physician stating that the parent understands his rights and the nature, purpose and effect of what he is doing, and has the mental capacity to sign a binding relinquishment. The relinquishment must be signed within 30 days after the date of the examination upon which the statement is based.
2. At the time of taking the relinquishment, the adoption worker must agree on the basis of the worker's own observations that the parent understands the nature and effect of signing the relinquishment and wants to complete the adoption plan. The worker's observations must be a part of the case record.
- B. If the parent has a history of mental illness or mental deficiency but is discharged or no longer under psychiatric care, the discharge or termination of treatment shall be verified, before the relinquishment is signed. At the time of taking the relinquishment, the adoption worker must agree on the basis of her own observations that the parent understands the nature and effect of signing the relinquishment and wants to complete the adoption plan. The worker's observations must be a part of the case record.
- C. A copy of all written statements by the treating physician shall be attached to the relinquishment when it is filed with the State Department of Social Welfare and the Form AD 90, Face Sheet, must be completed to show all pertinent information under Mental Competency.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

36207 RELINQUISHMENT NOT POSSIBLE BY SOME PARENTS WITH HISTORY OF
MENTAL ILLNESS OR MENTAL DEFICIENCY

- A. A relinquishment shall not be accepted from a parent who is a patient in or on leave from state hospital or under private psychiatric care, when the treating physician refuses to state in writing that the parent is competent.
- B. The parent who has been judicially determined to be incompetent under Probate Code Sections 1460-1462 is unable to sign a valid relinquishment, and relinquishment shall not be accepted as long as the decree remains in force.
- C. In cases where a parent is not competent to sign a relinquishment, the agency shall explore the possibility of legal action to free the child from parental custody and control under Civil Code Section 232(f).

36209 RELINQUISHMENT-FORMS

A relinquishment must be on a form prescribed by the SDSW.

36211 RELINQUISHMENT-CONTENT

- A. The name of the agency as licensed by the SDSW shall be on the relinquishment at the time it is signed.
- B. The child shall be identified by name, sex, birth date, and place of birth.

36213 RELINQUISHMENT - CORRECTIONS OR ALTERATIONS

After a relinquishment has been signed it shall not be corrected nor altered unless the corrections and/or alterations are initialed by the parent signing the document and by the authorized official of the agency before whom the relinquishment was acknowledged.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

SUB-CHAPTER 2
ARTICLE 4 WORK WITH APPLICANTS FOR CHILDREN

36231 ACCEPTANCE OF APPLICATIONS

- A. Agencies shall accept applications only from persons living in the geographical area covered by the agency's license. Exceptions may be made to meet the needs of children for whom suitable parents cannot be located in the agency's area.
- B. An agency shall not accept an application:
1. From a couple for a specific child. Exception may be made only when necessary in order to meet the needs of a particular child.
 2. From a single person, whether unmarried, widowed, or divorced. Single parent applications may be accepted only when a two parent family has not been found because of a child's special needs.

36233 APPLICATION - PREREQUISITE TO STUDY

An application signed by both applicants shall be on file in an agency before a study is undertaken.

36235 INTERVIEWS DURING STUDY

There shall be at least four interviews with applicants before the family is approved. This number may include the intake interview, two with the couple together, and one with each of them separately. At least one of the interviews with the couple shall be in their own home. If there are other members of the family, including children, they shall be interviewed.

36237 AUTHORIZATIONS

Authorizations shall be obtained from the applicants for release of medical, social, and employment information.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

36239 CONTENT OF STUDY

A study and evaluation of applicants shall be made before they are approved for the placement of a child. The study shall include age, nationality and race; motivation for adoption; preferences for a child; capacities and attitudes; personal relationships and personality; marriages, health, employment and finances, religion, education, environment.

The present marriage and all previous marriages and terminations of marriage shall be verified.

Medical reports on each applicant including chest X-rays and blood tests for syphilis shall be required. Exception may be made only when the agency waives the reports for members of religious groups who depend upon faith and prayer for healing.

If a child is not placed within a year or if there are indications of health problems, a re-examination shall be required before placement is made.

The applicant's current employment shall be verified.

If an applicant is foreign born, there shall be verification that he is in the United States legally.

SUB-CHAPTER 2
ARTICLE 5 PLACEMENT AND SUPERVISION

36251 FACTORS IN PLACEMENT

No child shall be placed for adoption until he is legally free, unless it is necessary for his welfare, and until the agency believes that he can develop in an adoptive home.

36253 SELECTION OF ADOPTIVE PARENTS FOR CHILD

In choosing adoptive parents for a child the agency shall select from its approved applicants the family which is best able to meet his needs.

The child shall be placed with adoptive parents whose religious faith is the same as his own or that of his parents. Exception can be made in accordance with the expressed wishes of the parent(s).

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

36255 PLACEMENT AGREEMENT BETWEEN THE AGENCY AND THE ADOPTIVE COUPLE

After a decision is reached by the agency and a couple regarding the placement of a child, the agency and the couple shall enter into an agreement covering the rights and responsibilities of each during the placement.

36257 SUPERVISORY PERIOD AFTER PLACEMENT FOR ADOPTION

There shall be an interim period between the placement and the final adoption, during which the agency will provide casework services to the family. This period shall normally be one year. It shall not be less than six months unless a reduction is necessary in order to protect the welfare of the child in which event the approval of the SDSW shall be obtained.

There shall be at least four interviews with the couple during the supervisory period, two of which shall be in the home with the child and both parents.

SUB-CHAPTER 2

ARTICLE 6 COURT PROCEEDINGS AND COMPLETION OF ADOPTION

36271 RESPONSIBILITY OF AGENCY TO TELL PETITIONERS ABOUT
DISBURSEMENT REPORT

The agency shall tell the adopting parents that the law requires them to file a report with the court on all expenses paid by them or in their behalf in connection with the birth and adoption of the child. This report shall include the fees paid to the agency by the family.

36273 AGENCY CONSENT TO ADOPTION

If the agency approves the adoption, it shall join in the petition and shall give its consent.

36275 COURT REPORT BY AGENCY

The agency shall file with the court a report on any petition which may be filed for a child relinquished to it and placed for adoption by it.

36277 PLEADING BY AGENCY

If a petition for the adoption of a relinquished child is filed by a person(s) with whom the agency has not placed him for adoption, the agency shall file a pleading with the court asking that the petition be dismissed.

36279 MOTION BY AGENCY FOR APPROVAL TO TERMINATE PLACEMENT

The agency shall not remove any child (foundling, relinquished, or freed for adoption by action in lieu of relinquishment) without prior approval of the court after a petition for his adoption has been filed, and prior to the denial thereof, by a person(s) with whom the agency has placed him for adoption.

36281 CERTIFICATE OF ADOPTION

The agency shall complete the Certificate of Adoption and file it with the county clerk.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

SUB-CHAPTER 3 INDEPENDENT ADOPTIONS
ARTICLE 1 THE STUDY

36301 TIME ALLOWED FOR STUDY

The study process shall be initiated immediately on receipt of the assignment from the SDSW Bureau of Adoptions or of an endorsed copy of the petition. There shall be interviews with the parties to the adoption within 45 days following the filing of the petition. If, in these interviews, the petitioners' suitability, the care provided the child, or the availability of the consent appears to be seriously questionable, there shall be an early investigation of the circumstances. (See 36387, Regulations.)

The study shall be completed by the due date, unless an extension of time has been granted by the court.

36303 THE ADOPTIVE HOME

There shall be as many interviews with the adopting parents and other persons as are necessary, but there shall be at least one home interview with the adopting parents and the child. If at the time the report is submitted, more than three months have elapsed since the last contact with the adopting parents another contact must be made.

36305 CONTENT OF THE STUDY

There shall be a study of the petitioners to determine their suitability as adoptive parents for the child. The study shall cover how placement was made; acceptance of adoption, personal adjustment, marriage, family relationships, understanding of the needs of children, plans and opportunities for the child's social development, religious training, education, health, housing, and financial resources.

A medical report of an examination of each adopting parent made within a year of the filing of the report shall be obtained. This shall include serological tests and chest X-rays. If the adopting parents and the child and/or the child's parents are members of a religious sect, denomination, or organization which, in accordance with its creeds or tenets, relies upon faith and prayer for healing, and the parents have consented to the adoption by the petitioners as members of such sect, denomination, or organization, the usual requirement for medical examination may be waived.

36307 THE CHILD

There shall be a study of the child which shall include his background, his development, his health, including necessary examinations and reports, and his adjustment in the home of the adopting parents.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

36309 THE PARENTS

Information shall be obtained from the parent(s) regarding the child and his background, their plans for the child, and their attitude toward the adoption and consent. There shall be as many contacts with them as are necessary.

36311 THE NARRATIVE RECORD

There shall be a written narrative record containing information which will be used to substantiate decisions and plans of action.

36313 RESPONSIBILITY OF AGENCY TO TELL PETITIONERS ABOUT DISBURSEMENT REPORT

The agency shall tell the adoptive petitioners that the law requires them to file a report with the court on all expenditures paid by them or in their behalf in connection with the birth, placement and adoption of the child.

36315 MEDICAL REPORTS AND EXAMINATIONS

Medical examinations and reports on the child and the adopting parents shall be completed by a doctor who is licensed as a physician or surgeon.

The agency shall obtain medical reports as necessary. These shall include a written report of testing for Phenylketonuria (PKU) for all newborn infants in accordance with Regulations of the State Department of Public Health, and for filing of the report in the case record. (Title 17, Public Health, Chapter 4, Subchapter 9, Article 1, Section 6500, California Administrative Code.) Where no such test has been administered the agency shall be responsible for seeing that it is done.

The State Department of Public Health Regulations provide for the following exceptions from testing:

- a. If a parent or legally appointed guardian objects to a test on the ground that it conflicts with his religious beliefs or practices, or
- b. If it is determined by a patient's physician that there are medical contraindications to following the procedure prescribed.

Such exception(s) (a or b above) shall be noted in writing by the parent, legally appointed guardian, or physician, and a report of such exception(s) filed in the case record.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

36317 AUTHORIZATIONS

Authorizations for the release of medical, social, and current employment information, shall be obtained from the adopting parents. Authorizations shall be secured from the natural parent(s) for the release of medical and social information, and to authorize the adopting parents to provide medical and surgical care for the child.

36319 VERIFICATIONS

There shall be verification of the current marriage, previous marriages, and any dissolution of marriage of the adopting parents, and of the natural parent who claims custody of the child.

When verification of the dissolution of all marriages is not possible, the marriages preceding a divorce decree may be deemed to have been validly dissolved. A valid divorce presupposes that the marriage was valid and a valid marriage presumes the proper dissolution of any previous marriage. The last divorce decree can be accepted as disproving the parental relationship of prior presumptive fathers.

Note: This applies to divorces as distinguished from annulment. An annulment does not connote the existence of a valid marriage.

The adopting parents' current employment shall be verified and, if either adopting parent was foreign-born, the fact that he is in the United States legally shall be verified.

36321 VERIFICATION OF REMOVAL OF CHILD FROM ADOPTIVE HOME

In cases of denial or dismissal when the child has reportedly been removed from the adoptive home by his parents, the fact that he is no longer in the home shall be verified before filing an incomplete report.

CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

SUB-CHAPTER 3
 ARTICLE 2 OTHER PROCESSES RELATED TO STUDY

36341 CONCURRENT PETITIONS

In the case of concurrent petitions pending for the adoption of a child the agencies shall exchange information on their studies and agree as to the best plan for the child.

36343 EXTENSION OF TIME

A formal request shall be made to the court for any extension of time with copy to the attorney for the adopting parents. If an extension is granted the report shall be filed by the new due date.

SUB-CHAPTER 3
 ARTICLE 3 CONSENT

36361 TAKING CONSENT

The agency shall not take the parent's consent until after the petition has been filed. The mother's consent shall not be taken by the agency while she is still in the hospital nor until she has recovered sufficiently from the child's birth to make a decision and fully understands the meaning of the signing of the consent.

36363 TAKING CONSENT - PARENT WITH HISTORY OF MENTAL ILLNESS OR MENTAL DEFICIENCY

A. Prior to taking consent from a parent who is a patient in or on leave from a State hospital or under private psychiatric care, the following information must be obtained:

1. a. Verification of the type of commitment involved. (Voluntary or involuntary)
- b. Whether or not there were separate Probate Court proceedings determining incompetence and appointing a guardian.
- c. An unequivocal statement in writing from the treating physician stating that the parent understands his rights and the nature, purpose and effect of what he is doing, and has the mental capacity to sign a binding consent. The consent must be signed within 30 days after the date of the examination upon which the statement is based.
2. At the time of taking the consent, the adoption worker must agree on the basis of the worker's own observations that the parent understands the nature and effect of signing the consent and wants to complete the adoption plan. The worker's observations must be part of the case record.

B. If the parent has a history of mental illness or mental deficiency but is discharged or no longer under psychiatric care, the discharge or termination of treatment shall be verified, before the consent is signed. At the time of taking the consent, the adoption worker must agree on the basis of the worker's own observations that the parent understands the nature and effect of signing the consent and wants to complete the adoption plan. The worker's observations must be part of the case record.

C. A copy of the written statements by the treating physician shall be attached to the consent when it is filed with the court report and any other pertinent information shall be included in the report.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

36365

CONSENT NOT POSSIBLE BY SOME PARENTS WITH HISTORY OF MENTAL
ILLNESS OR MENTAL DEFICIENCY

- A. Consent shall not be accepted from a parent who is a patient in or on leave from State hospital or under private psychiatric care, when the treating physician refuses to state in writing that the parent is competent.
- B. The parent who has been judicially determined to be incompetent under Probate Code Sections 1460-1462 is unable to sign a valid consent, and consent shall not be accepted as long as the decree remains in force.
- C. In cases where a parent is not competent to sign a consent, the agency shall explore the possibility of legal action to free the child from parental custody and control under Civil Code Section 232 (f).

36367

CONTENT OF CONSENT

The full names of the adopting parents shall appear on the consent at the time the parent signs the form. The agency representative shall not cover the names.

The consent signed by a natural parent to adoption of the child by a married couple does not support, and shall not be used in completing, the adoption by one of them alone, except in cases in which the natural parent expressly agrees to this modification.

36369

CORRECTIONS OR ALTERATIONS ON CONSENT

The signed consent shall not be corrected nor altered unless the corrections or alterations are accepted and initialed by the parent signing the document and initialed by the worker who witnessed the signature.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

SUB-CHAPTER 3
ARTICLE 4 THE COURT REPORT

36381 FILING

The court report on an adoption petition shall be filed by the due date.

36383 CONTENT

The court report shall contain a summary of the pertinent facts disclosed by the study, an evaluation of these, and a recommendation as to the granting of the petition. The information which is included in the report shall be current and shall be substantiated in the case record.

36385 SUPPLEMENTAL REPORTS

Supplemental reports shall be filed as necessary.

36387 REPORTING TO COURT ON SERIOUS QUESTIONS

When it has been determined that there is a serious question that may preclude completion of the adoption because (1) petitioners are not suitable, or (2) the child is not receiving proper care, or (3) consent may not be available, a report to the court shall be filed immediately (see Regulation 36301).

SUB-CHAPTER 3
ARTICLE 5 COURT PROCEEDINGS AND COMPLETION OF ADOPTION

36401 SETTING THE CASE FOR HEARING

The agency is responsible for setting the case for hearing whenever it is necessary to carry out the recommended plan for the child:

1. Following a recommendation of a denial of the petition;
2. When petitioners are seeking, or have secured a dismissal of the petition.

36403 CERTIFICATE OF ADOPTION

Whenever a recommendation of approval is made, the agency shall prepare the Certificate of Adoption and shall transmit it with the court report to the county clerk.

SUB-CHAPTER 3
ARTICLE 6 CASE FILES, RECORDS AND REPORTS

36421 CASE RECORDS CONFIDENTIAL

The confidentiality of case records shall be maintained. Information from case records can be released only to those agencies specified in the law, parties to the adoption or their legal counsel, or persons authorized to receive it. (See Sec. 36103)

Records shall not be produced in court on request of any of the parties except on subpoena.

Records shall be made available to inspection by grand juries only on order of the court. (See Sec. 36103 , Regulations)

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

CHAPTER 5 CHILD PLACING AGENCIES
SUB-CHAPTER 1. LICENSURE APPLICATION REQUIREMENTS
ARTICLE 1. LICENSING

38001 PLACEMENT OF CHILDREN - ACTIONS REQUIRING A LICENSE FROM SDSW

A license is required for the placement of children for temporary care.
(See Section 16000 (b) W&IC)

Exceptions:

1. A county welfare department or a county probation department may place children for temporary care in a facility which is licensed, pursuant to Section 16000 (a) W&IC, to receive and care for children.
2. A county probation department may pursuant to Section 727 (c) W&IC place children for temporary care in a family home which is not licensed under Section 16000 (a) W&IC provided:
 - a. The home is certified by the probation department as meeting minimum standards of the SDSW for licensure, and
 - b. The foster parents have made application for a license and licensure of said home pursuant to Section 16000 (a) W&IC is pending.

38003 PLACEMENT OF CHILDREN IN UNLICENSED FACILITIES BY A PUBLIC AGENCY--LICENSE REQUIRED

Any county agency, designated by the county board of supervisors to perform the service may place children for temporary care in family home which are not licensed pursuant to Section 16000 (a) W&IC provided both of the following conditions are met:

- a. The county agency is licensed as a county child placing agency by the SDSW and is authorized to issue Certificates of Approval to homes selected for its exclusive use.
- b. The homes in which children are placed by the county agency hold certificates of approval issued by that agency.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

38005 AGENCY ELIGIBILITY FOR LICENSE

To be eligible for license, a child-placing agency must conform to all applicable rules and regulations of the SSWB.

The agency must be able to provide, or there must be resources available in the community to provide, for support of children accepted for care; for medical and psychiatric services for children as needed; and an adequate number of foster homes for children.

The agency must be coordinated with other community welfare services.

A. County Child-placing Agencies

The agency must be designated by the county board of supervisors as a county agency through which child-placing services will be offered.

B. Private Child-Placing Agencies

The agency must be organized and operated on a nonprofit philanthropic basis.

38007 LICENSING PROCEDURE - APPLICATION FORMS

Application for a license as a child-placing agency must be filed in duplicate with the SDSW on forms prescribed by the department.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11360.1)

38009 THE APPLICATION

- A. Application from a public agency must be signed by the chairman of the board of supervisors, and a copy of the resolution of the motion of the board authorizing the chairman to sign the application must be attached.
- B. Application from a private agency must be signed by the presiding officer of the board of directors and the executive officer of the agency, if selected, or a second officer of the board of directors if the executive officer has not yet been appointed. A copy of the board authorization to its representative to apply for such a license must accompany it.
- C. Application must be accompanied by:
1. A written plan of operation in duplicate, covering the following:
 - (a) Statement of program goals and description of services.
 - (b) Administrative organization - narrative and chart of total agency.
 - (c) Personnel - number, qualifications, and duties.
 - (d) Physical facilities and office arrangement - diagrams.
 - (e) Budget and financing, by item.
 2. Plans for coordination with other community welfare services. For a public agency, such plans shall include any agreement between the probation department and the county welfare department (the Bureau of Public Assistance in Los Angeles) as to their respective functions and responsibilities.
 3. List of membership of governing board and any advisory committee showing length of term and interest or qualifications on which selection was based and indicating which persons serve as officers and in which position.
 4. For the private agency, a copy of its constitution and by-laws and, if it is incorporated, a copy of the Articles of Incorporation.

38011 LICENSING STUDY

On receipt of an application, the SDSW will review the attached plan of operation, identify any deviations from the regulations in this Manual, and when indicated, discuss with the Board and/or executive, the agency's plans to achieve full conformity with regulations.

A license will be issued whenever it is found that all requirements are met. A license may also be issued when there is substantial conformity with regulations if the deviations are minor, and/or the agency agrees to correct them at the earliest date possible.

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

38013 TERMS OF LICENSE

Placement services which a licensee may render are limited to those specified by the license.

If the SDSW authorizes the agency to issue Certificates of Approval to foster homes selected for its exclusive use, this will be shown on the license. (See 38171-38173.) The license of an agency not authorized to issue such Certificates will specify that children are to be placed in licensed homes only.

38015 AMENDED LICENSE

Proposed major changes in program or organization shall be submitted to the SDSW for review and possible issuance of amended license.

38017 RENEWAL OF LICENSE

The SDSW will make a licensing study of the agency, and evaluate the child care program of the preceding year before issuing a renewal license.

Any necessary denial of a renewal application or modification of the terms of license will be discussed in advance. Unless the renewal application is withdrawn, this discussion will be confirmed by a registered letter. This letter will (1) state that the application is denied; (2) list the reasons for denial; (3) review the right of appeal and the time limit for filing an appeal (30 days). If an appeal is filed, further proceedings will be conducted in accordance with the Administrative Procedure Act.

38019 TERMINATION OF LICENSE

License may be revoked by the SDSW for failure to meet the standards and regulations as defined in this manual.

No license will be revoked until the licensee has had a reasonable opportunity to achieve conformity with the regulations in this manual.

A license will be revoked by sending a registered letter bearing the designation "Notice of Revocation" to the licensee. This letter will (1) state the license is being revoked; (2) list the specific acts or conditions which constitute lack of conformity with regulations and the dates or time span involved; (3) establish a date for termination of operation and (4) explain the right to file an appeal from this action within 30 days.

If an appeal is filed, further proceedings will be conducted in accordance with the Administrative Procedure Act.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

SUB-CHAPTER 2 ADMINISTRATION AND MANAGEMENT
ARTICLE 1 ORGANIZATION AND ADMINISTRATION

38041 ADMINISTRATIVE RESPONSIBILITY - PUBLIC AND PRIVATE AGENCIES

Legal responsibility for a child-placing agency or service shall be clearly defined and administrative responsibility specifically placed in accordance with the regulations of the State Social Welfare Board.

38043 ORGANIZATION - PRIVATE AGENCIES

The agency shall be organized and operated on a nonprofit and philanthropic basis.

The organization shall be coordinated with the other social services in the community.

38045 INCORPORATION - PRIVATE AGENCIES

The Articles of Incorporation of an incorporated agency stating the purpose of the agency in broad terms shall be filed with the Secretary of State at Sacramento.

Copies of the Articles of Incorporation and amendments made thereto shall be filed with the State Department of Social Welfare.

38047 CONSTITUTION AND BY-LAWS - PRIVATE AGENCIES

Regardless of whether the agency is incorporated, it shall establish a constitution setting forth the purpose of the organization.

The by-laws shall set forth the functions of the organization and the means whereby the functions are to be carried out.

A copy of the constitution and by-laws shall be filed with the State Department of Social Welfare.

38049 GOVERNING BOARD - PRIVATE AGENCIES

The constitution shall provide for control by a responsible governing board.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

38051 BOARD MEMBERSHIP - PRIVATE AGENCIES

Board members shall have an interest in child welfare, a concern for social conditions in the community, and sufficient time to discharge their obligations as board members. They shall also be persons representative of the community in which the agency operates.

The board shall include in its membership a variety of interests, talents, and professions to insure different points of view. Membership shall be so arranged that no single group or profession shall have a controlling vote.

Board members shall serve without compensation. No board member shall profit financially by reason of his membership nor be employed by the agency regularly either full time or part time.

38053 ELECTION OF BOARD MEMBERS - PRIVATE AGENCIES

Members shall be elected by the supporting membership or by a representative body for a definite term of office, with expiration of terms so arranged that a rotating board results.

Provision shall be made for the replacement of members who become inactive for a protracted period of time.

38055 BOARD MEETINGS - PRIVATE AGENCIES

Minutes of board meetings shall be kept.

38057 DUTIES AND FUNCTIONS OF THE BOARD - PRIVATE AGENCIES

The board shall formally adopt a written statement of the responsibilities to which the members agree. These shall include:

1. Responsibility to the community for adequate services to the children under care.
2. Interpretation of the service of the agency to the community, and of the community to the staff of the agency.
3. Establishment of the policies to be followed by the agency.
4. Exercise of trusteeship for property and investments.
5. Approval of the budget and responsibility for obtaining and receiving adequate funds.
6. Employment of a well-qualified executive for the agency, and delegation to that executive of responsibility for administration and employment of other staff members.
7. Maintenance of an informed, alert, and interested membership.
8. Maintenance of a full membership.

CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
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 (Pursuant to Government Code Section 11380.1)

38059 COMMITTEES OF THE BOARD - PRIVATE AGENCIES

Provision shall be made for the appointment of standing committees and such temporary or special committees as are needed.

All committees shall entrust administrative details to the executive and work with the executive.

38061 RELATIONSHIP BETWEEN BOARD AND EXECUTIVE - PRIVATE AGENCIES CPA-126

There shall be proper division of responsibilities between the board and executive to provide efficient administration.

The board shall delegate to the executive the responsibility for administration, but the board shall determine the major policies and the general plan of operation based upon its knowledge of case problems and community needs.

The general policy of the board shall be to include the executive at all regular meetings.

38063 STATISTICAL REPORTS - PUBLIC AND PRIVATE AGENCIES

Such monthly statistical reports shall be submitted as the State Department of Social Welfare requires.

Such other records and reports shall be maintained and submitted as required by the State Department of Social Welfare.

38065 OTHER REQUIREMENTS - PUBLIC AND PRIVATE AGENCIES

Agencies providing adoption services shall comply with California statutes governing adoption of children and with all applicable rules and regulations of the State Social Welfare Board. See the Adoption Manual of the California Department of Social Welfare.

ARTICLE 2. FINANCES

38081 FUNDS - PUBLIC AND PRIVATE AGENCIES

The agency shall be soundly financed and shall have sufficient funds to provide the services which it offers.

If budget limitations exist, the scope and size of the agency's services shall be curtailed to a point that will permit available funds to maintain an adequate quality of service.

38083 FINANCIAL PROCEDURES - PUBLIC AND PRIVATE AGENCIES

Policies and practices governing receipt and expenditures of money shall be in accord with sound budgeting, disbursement, and audit control procedures.

38085 FINANCIAL RECORDS - PUBLIC AND PRIVATE AGENCIES

Financial records shall be maintained of receipts, disbursements assets and liabilities.

Financial records shall be kept current, showing the nature and source of income and the nature of expenditures.

38087 PAYMENT FOR CARE OR SERVICE - PUBLIC AND PRIVATE AGENCIES CPA-138

Any fees charged shall be clearly defined as such at time of application for service and shall be based upon the actual cost of service.

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

ARTICLE 3 PERSONNEL

38101 GENERAL REQUIREMENT - PUBLIC AND PRIVATE AGENCIES

The number of staff shall be adequate for the scope of the agency's services.

38103 QUALIFICATIONS - ALL PROFESSIONAL STAFF - PUBLIC AND PRIVATE AGENCIES

Staff members shall be fitted by character, personality, health, education, training, and experience for work with parents and with children in foster homes.

The staff of the agency must have educational training and/or experience in family or child welfare work.

38105 EXECUTIVE - QUALIFICATIONS - PRIVATE AGENCIES

The executive shall have professional training in the field of child welfare, or have demonstrated unusual ability and leadership through experience as an executive in the field of child welfare.

When the organization of the agency may necessitate, the executive shall have such other qualifications as are required for the additional duties he may have to assume, such as supervision of casework.

38107 EXECUTIVE - DUTIES - PUBLIC AND PRIVATE AGENCIES

A. Private Agencies

The duties of the executive shall include the following:

1. Responsibility for appointing and dismissing staff, and for working closely with the personnel committee of the board.
2. Responsibility for attending all regular board meetings and committee meetings of the board, making reports concerning agency activities, and interpreting recognized standards of child care to the board.
3. Responsibility for holding regular staff meetings to discuss plans and policies.
4. Responsibility for organizing and carrying out a program of staff development for all staff members, and for arranging for attendance of staff at social work conferences and other meetings which assist in professional growth and effectiveness.

(Continued)

CONTINUATION SHEET
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38107 (Continued)

5. Responsibility for carrying out a child care program in conformity with recognized standards of modern child care.
6. Responsibility for leadership and stimulation in community planning for child welfare.

B. Public Agencies

The duties of the executive of a public agency shall include all responsibilities listed for the executive of a private agency, except those related to the board and its committees.

38109 CASEWORK SUPERVISORS - PUBLIC AND PRIVATE AGENCIES

Case supervisors shall be employed to be responsible to the executive for the adequate performance of casework services.

Case supervisor(s) shall have the following qualifications:

1. Successful completion of two years of graduate work in an accredited school of social work and at least three years experience in a casework capacity in the field of family or child welfare; or
2. Successful completion of one year of graduate work in an accredited school of social work, at least three years of experience in a casework capacity in the field of family or child welfare, and at least two years of experience in the capacity of casework supervisor; or
3. Successful completion of one year of graduate work in an accredited school of social work, at least three years of experience in a casework capacity in the field of family or child welfare, and demonstrated ability within the agency for promotion to casework supervisor.

In an agency which does not have a casework supervisor, the executive shall meet these qualifications.

38111 CASEWORKERS - PUBLIC AND PRIVATE AGENCIES

Caseworkers shall have the following qualifications:

1. Successful completion of two years of graduate work in an accredited school of social work; or
2. One year of graduate work in an accredited school of social work and at least two years of experience in the field of child welfare or family welfare; or
3. College graduation and at least four years of paid experience in the field of child welfare or family welfare, if one year of graduate work has not been completed.

38113 CLERICAL STAFF - PUBLIC AND PRIVATE AGENCIES

An adequate clerical staff shall be maintained.

38115 PERSONNEL PRACTICES - PUBLIC AND PRIVATE AGENCIES

Employment and tenure of position shall be based solely upon competence.

Personnel policies shall be developed by the agency.

Personnel policies, salaries, and working conditions shall be such as to attract and hold competent, well-qualified staff and to stimulate their professional growth.

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(Pursuant to Government Code Section 11380.1)

SUB-CHAPTER 3 CARE AND SERVICES
ARTICLE 1 SERVICES

38131 GENERAL REQUIREMENTS

The processes of intake, placement, supervision and termination of care shall be in accord with present-day accepted standards of child care and social casework.

Services provided shall give evidence of adherence to the following principles of child care:

1. A child has a basic right to his own home and family, the natural setting in which the child's social and personality growth normally occur.
2. Primary emphasis shall be upon skillful and understanding professional service to parents to help them meet the child's needs in his own home whenever possible.
3. The type of service provided shall be based upon consideration of the child's individual needs, his family situation and the wishes of and participation of his parents.
4. The foster home care given must provide opportunities for maximum development of the child's native capacities and must further his development into an adequate adult personality.

Every child placing agency shall state its intake policies in writing and make such written policies available to the public.

38133 NONDISCRIMINATION - ACCEPTANCE FOR SERVICE

The written intake policy shall include a statement that the child placing agency is operated on a nondiscriminatory basis, according equal treatment and access to services without regard to race, color, religion, national origin, or ancestry. An otherwise eligible child may not be excluded on the basis of these characteristics.

A child placing agency established to serve an identified group may serve this group, but shall not discriminate on the basis of race, color, religion, national origin, or ancestry.

A religious group may elect to serve children of a particular religious faith, but may not discriminate within the group on the basis of race, color, national origin, or ancestry.

38135 INITIAL STUDY

The decision to accept a case for service shall be based upon (1) clearly defined but flexible agency policy, and (2) a complete social study of the child's total situation to determine what will best serve his ultimate welfare.

The social study shall be recorded.

CONTINUATION SHEET
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38137 PLACEMENT AND SUPERVISION

1. The religious preference of parents shall be respected in so far as possible in deciding among the available homes; the home best suited to the child. When an alternate home is used, steps shall be taken to ensure that the foster parents arrange for the child's religious observance in accordance with the parent's preference.
2. Children of the same family shall be kept together whenever possible unless it has been determined that this is not beneficial.
3. The selection of a foster family home or of group care in an institution for a particular child shall be based upon consideration of the individual child's total needs (health, educational, religious, recreational, social and emotional) and how well the particular foster family or institutional program can meet the child's needs and potentialities. This includes the ability of the foster family to accept and respect children of any race, creed, color, religion, or national ancestry.
4. Every effort shall be made to strengthen family relationships and to help parents make a responsible plan for the permanent care of their children, unless the child has been permanently removed from the custody of his parents, or the plan is placement in an adoptive home.
5. The agency shall make certain that adequate and appropriate clothing, recreational allowances, and continuing medical and dental care are provided for each child.
6. The agency shall maintain adequate supervision through sufficiently frequent visits to the child, foster family (or institution) and own family. The frequency of such visits shall be determined by the circumstances of each case and the discretion of the agency.

The caseload of a worker giving full time to the supervision of children in foster homes shall not exceed fifty children. If the worker carries other responsibilities such as recruitment or home finding, intake, or work with children with serious emotional disturbances, or work with children in their own families, or the geographical area to be covered is widespread, the caseload shall be proportionately reduced.
7. Psychological study, direct treatment by a psychiatrist, or psychiatric consultation to aid the caseworker in treatment shall be provided by the agency for those children accepted for care who require such specialized professional services.
8. Foster homes used for children under 16 years of age shall conform to the standards for Boarding Homes for Children as developed by the State Department of Social Welfare and set forth in the Boarding Home Manual.

38139 TERMINATION OF FOSTER CARE

Termination of agency care shall be determined by casework study and planning.

Continuing study of the home and planning with the family and child shall precede the return of the child to his parents or a relative.

Arrangements shall be made for adequate follow up service and supervision according to the child's needs.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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ARTICLE 2 CASE RECORDS**38151 GENERAL REQUIREMENTS**

The agency shall maintain adequate case records for each child and family.

Separate records shall be maintained for each foster home studied and used by the agency. See Sec. 38191.

Current administrative records shall be maintained by the agency in such a form as to provide an index to all cases, including location of all children under care and of all foster homes in use.

38153 CONTENT OF CHILD'S RECORD

Each record shall include a face sheet, report of original study, and progress reports of the child under care and work with the child's family.

The record shall also contain either the child's medical record or a listing of the dates of physical examinations, medical treatment, hospitalization, and illnesses, with a brief notation for each entry showing any significant findings at the time of examination or treatment. The medical record, whether maintained in the child's record or elsewhere, shall include a summary of the child's previous health history and reports on all physical examinations, tests, and treatment required by Section 38211.

CONTINUATION SHEET
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ARTICLE 3 HOMES IN EXCLUSIVE USE BY LICENSED CHILD PLACING AGENCIES

38171 GENERAL REQUIREMENTS

The work of a child placing agency in selecting foster homes for its exclusive use and in placing children in such homes is subject to review by the SDSW, which may terminate its approval of the agency's selection and use of homes exempt from license.

The exemption from license of homes in exclusive use shall be limited to boarding homes as defined in Boarding Home Manual, Regulations, Secs. 40013 through 40017, Boarding homes for Children; 40019 through 40023 Foster Day Care Homes - Children; and 40025, Parent-Child - Boarding Homes.

The above exemption shall not include boarding homes over which the State Department of Social Welfare has no jurisdiction. (See Boarding Home Manual, Handbook, Sec. BH 3.50, Facilities Subject to License by Other State Agency.)

38173 IDENTIFICATION OF HOMES IN EXCLUSIVE USE

Each unlicensed foster home in the exclusive use of a licensed child placing agency shall be provided with a Certificate of Approval (Form BHC 30.2, Revised), properly completed and signed by the executive or other representative of the agency.

A copy of the Certificate of Approval shall be kept in each foster family case record.

38175 NOTIFICATION TO ACCREDITED LICENSING AGENCY

A licensed child placing agency shall notify the accredited (public) agency of the county in which the home is located of each home approved for exclusive use, each home rejected after study, and each home of which exclusive use is being terminated.

Notification shall be on Form BHC 30.3 by the licensed child placing agency within thirty days after action to approve, reject, or terminate the use of the home.

A licensed child placing agency shall also send immediate notification of a desired change to the public licensing agency when (1) a home approved for exclusive use, wishes to become a licensed home, or (2) a licensed home wishes to become a home approved for the exclusive use of the agency and the agency plans to issue a Certificate of Approval to this home. Form BHC 30.3 shall be used for this purpose.

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38177 CONFIDENTIAL NATURE OF RECORDS AND INFORMATION

Sec. 40151 of the Boarding Home Manual, Regulations, shall be applicable to the interchange of information concerning foster homes in exclusive use between accredited agencies and licensed child placing agencies.

38179 STANDARDS OF FOSTER CARE

The Standards for Boarding Homes for Children, Sections 40451 through 40527 in the Boarding Home Manual, shall be the basis for the approval of homes for exclusive use.

38181 COMPLIANCE WITH STATE LAWS AND REGULATIONS

Conformity with state laws and regulations regarding criminal record clearance, housing, sanitation and fire safety shall be determined in accordance with Sections 40219 through 40305 of the Boarding Home Manual.

The responsibility of foster parents to comply with any existing local ordinances shall be called to their attention.

38183 ADHERENCE TO LIMITATIONS OF CERTIFICATE OF APPROVAL

The foster home approved for the exclusive use of a licensed child placing agency shall accept only those children placed by the agency which approved the home.

38185 HEALTH AND MEDICAL CARE

The securing of consent for medical care from parents shall be the responsibility of the child placing agency rather than the foster parent.

38187 REGISTER

The maintenance of the information required in Section 16011 of the Welfare and Institutions Code shall be the responsibility of the child placing agency.

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38189 CHANGE OF ADDRESS OR MANAGEMENT

A change in the address or management of the foster home shall nullify approval of the home for exclusive use. Another social study at the new address shall be made before approval is again given by the child placing agency. Similarly, approval of a home at a given address is not transferable to a new occupant of those premises.

38191 FOSTER HOME STUDY AND CASE RECORD

Each foster home study shall include all steps necessary to determine whether applicable standards are or are not met. (See Boarding Home Manual, Secs. 40451 through 40527)

All members of the potential foster family shall be seen. There shall be as many office interviews and home visits as necessary to determine whether the agency can use the home and for what type of child.

The foster home study shall be fully recorded.

A separate case record shall be maintained for each foster home. In addition to the foster home study (including contacts with references), the record shall contain:

1. A face sheet or application form
2. All pertinent correspondence
3. Medical clearances, any necessary annual fire clearance, and/or any Social Service Exchange clearances
4. A copy of the notice to the public licensing agency of action taken
5. A copy of the Certificate of Approval
6. A record of each child placed in the home and the dates the child received care.

A periodic recorded evaluation of the continuing service rendered by each home shall be made not less often than annually, and preferably at least quarterly.

An evaluation shall be made each time a child leaves the home. All changes in the foster family situation, such as family composition, health, employment, and housing shall also be recorded.

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38193 MASTER FILE

The child placing agency shall maintain a master file of all foster homes studied and/or used by the agency (including any licensed homes).

38195 CASE PROCESSING CONTROLS

Such card files and controls as may be necessary shall be maintained in connection with case processing such as:

1. Pending applications
2. Periodic evaluations
3. Annual fire clearances (when required)
4. Homes in use
5. Homes studied and available for use

38197 USE OF LICENSED HOMES AND HOMES HOLDING A CERTIFICATE OF APPROVAL

A licensed child placing agency may use a licensed home. When it does, it shall notify the public licensing agency of such use.

A home approved for the exclusive use of a licensed child placing agency shall not be used by another agency.

The individual needs of each child placed, as well as the physical accommodations of the home and the ability of the foster parents, shall determine the number of children who may be placed.

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ARTICLE 4 HEALTH PROTECTION

38211 GENERAL REQUIREMENT

The agency shall provide adequate preventive and remedial medical care through a qualified physician, preferably a pediatrician, or through a medical clinic organized to provide the necessary medical service.

The medical care provided shall include:

1. Complete physical examination, including examination of eyes and ears (prior to placement whenever possible).
2. Prompt treatment of remediable physical conditions.
3. Necessary laboratory tests and inoculations.
4. Immunization of children over six months against diphtheria and vaccination against smallpox; immunization of children under six years against whooping cough.
5. Provision for tuberculin test or chest X-ray for each child; provision for nose and throat culture, vaginal smear, and Wassermann when indicated.
6. For infants continuing medical supervision; for older children physical examinations at least annually or oftener as recommended by the physician or as the child's development and condition indicate.
7. Care in case of illness or accident, including provision for medical care and hospitalization as required.
8. Dental examinations semi-annually followed by necessary treatment; arrangements for orthodontic care for children requiring this care.
9. Continuing observation of the child's developmental progress and discussion with the physician of any deviations from satisfactory conditions.
10. Competent psychological and psychiatric treatment or consultation for those children who require such service.
11. Health instruction, adequate nutrition, and training in sound physical and mental health habits. This training shall be shared by parents, foster parents, caseworker, and physician.

DO NOT WRITE IN THIS SPACE

CHAPTER 6. BOARDING HOMES FOR CHILDREN AND AGING PERSONS
ARTICLE 1. GENERAL PROVISIONS, AND DEFINITIONS

40001 BOARDING HOMES FOR AGED PERSONS - DEFINITION

Boarding homes for aged (BHA) are of two types as defined by Secs. 40003 and 40005.

40003 FOSTER FAMILY HOME - AGED PERSONS - DEFINITION

A family home for aged persons is a family residence, noninstitutional in character, which receives for care, with or without compensation, no more than six persons who have reached the age of 65 years.

40005 SMALL GROUP CARE HOME - AGED PERSONS - DEFINITION

A group care home for aged persons is a residence, noninstitutional in character, which accepts for care, with or without compensation, 7-15 persons who have reached the age of 65 years. (See Handbook Sec. BH-1.21 for definition of institutional characteristics.)

40007 INSTITUTION FOR AGED PERSONS - DEFINITION

An institution for the aged is a home which is institutional in character or which accepts 16 or more persons for care.

40009 RECEPTION AND CARE OF AGED PERSONS - DEFINITION

Persons, corporations, or associations are subject to license as a home for the aged if they solicit and/or receive aged persons into a physical setting with the intention or practice of assuming for them responsibilities which go beyond that customarily associated with a landlord-tenant relationship. In determining the need for a license, the intention, obligations, or practices which shall be construed as indications or evidence of a need for a license, include the following:

1. Identification of the establishment and the service offered by any name, description or advertisement which implies a service to aged people other than that of housing, a place serving food to the public, a nursing or convalescent home, or a psychiatric care facility.
2. Implied or actual assumption of responsibility for general oversight and, as needed, personal care to aged persons, such as help with bathing, dressing, eating, care of clothing, mending, laundry, personal shopping, transportation, health supervision, assistance in maintaining social and recreational contacts, etc.

Any practice, intention or obligation which does not include all the services required in regulations governing the licensing of reception and care of the aged shall not, however, be presumed to excuse any person, corporation, or association from the need for a license.

40013 BOARDING HOMES FOR CHILDREN - DEFINITION

Boarding homes for children (BHC) are of two types as defined by Secs. 40015 and 40017.

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40015 FOSTER FAMILY HOME FOR CHILDREN - DEFINITION

A family home, noninstitutional in character, which provides 24-hour care, with or without compensation, for not more than six children under 16 years of age, including children of the foster family under 16 years.

40017 SPECIAL BOARDING HOME FOR CHILDREN - DEFINITION

A family home, noninstitutional in character, which provides 24-hour care, with or without compensation, for 7 to 15 children under 16 years of age, including children of the foster family under 16 years. See Handbook BH-2.52 for definition of institutional characteristics.)

40019 DAY-CARE HOMES - CHILDREN - DEFINITION

Day care homes are of two types as defined by Secs. 40021 and 40023.

40021 FAMILY DAY-CARE HOMES - CHILDREN - DEFINITION

Family home noninstitutional in character, which provides day care only, with or without compensation, for not more than six children under 16 years of age, including foster family's children under age 16.

40023 SPECIAL DAY-CARE HOMES - CHILDREN - DEFINITION

Family home noninstitutional in character, which provides day care only, with or without compensation, for 7 to 10 children inclusive under 16 years of age, including children of the foster family under age 16.

40025 PARENT-CHILD BOARDING HOMES - DEFINITION

A family home noninstitutional in character, which provides board and room or room only, to parents with their children including as a clearly defined part of the service given, the care and supervision of the children while the parents are away. Such homes may accommodate not more than six children under 16 years of age, including the foster mother's own children, nor more than four family units, including the foster family unit and employees and their children in residence.

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40027 PARENT-CHILD INSTITUTIONS - DEFINITION

Facilities operated by a person, corporation or association which provide (a) board and room or room only to parents with their children for more than six children under 16 years of age, or more than four family units including the resident staff with children or (b) service for a smaller number, which is institutional in character.

40029 DAY NURSERIES - DEFINITION

Facilities operated by a person, corporation or association which (a) accept for nonresident care and supervision, more than 10 children under 16 years of age or (b) provide for a smaller number care that is institutional in character, with or without compensation.

The term day nursery includes all types of group day care programs, including day nurseries for children of working mothers, nursery schools for children under the minimum age for admission to public schools, parent-cooperative nursery schools, play groups for preschool children, programs giving after school care to school age children, etc.

40031 INSTITUTIONS FOR CHILDREN - DEFINITION

Facilities operated by a person, association or corporation which (a) accept for 24-hour care, more than 15 children under 16 years of age or (b) provide for a smaller number, care that is institutional in character, with or without compensation.

40033 MATERNITY HOMES

Facilities operated by incorporated nonprofit organizations which offer residential care and other social services (a) to girls under 16 years of age for periods prior to and after confinement and (b) to their babies for varying periods of time. Hospital services operated in connection with a maternity home are also subject to license by the SDPH as a hospital.

40035 CHILD PLACING AGENCIES

Public agencies designated by the counties and private agencies operated by nonprofit organizations which place children for temporary care or for adoption.

40037 COUNTY ADOPTION AGENCIES

Public agencies authorized to accept relinquishments for adoption, find homes for children under 16 years of age and to place children in homes for adoption, and when specifically authorized such agencies also investigate and report on petitions for adoption filed in the Superior Court of that county.

40039 FACILITIES FOR THE AGED NOT REQUIRED TO HAVE A LICENSE

A license is not required when care of aged is given by any of the following persons:

1. Son, daughter, grandchild, brother or sister of the aged person, and spouses of such persons.
2. Close friends and relatives in a shared living arrangement, when the services are incidental to the living arrangement and the aged person was not received into the home of the friend or relative for the purpose of being cared for.
3. Legally appointed guardian or conservator of the person.

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40041 CHILD CARE FACILITIES NOT REQUIRED TO HAVE A LICENSE

Foster homes for children used exclusively by child placing agencies licensed to approve such homes for their own use.

40043 HOMES OF RELATIVES, CLOSE FRIENDS, AND GUARDIANS

A child care license is not required when care is given by the following persons:

1. Blood relatives.

Care may be given at any time and for any period by relatives, including those of the half blood, except second or third cousins; blood relatives of preceding generations denoted by prefixes of grand, great, or great-great; or stepparents, step-brothers or sisters.

2. Close friends.

Care may be given by a close friend of a parent or guardian provided that:

- (a) Consent of parent or guardian is given, and
- (b) Children cared for are from only one family, and
- (c) Receiving and care is without compensation, and
- (d) Care is given either
 - (1) occasionally and irregularly, or
 - (2) if regularly, for an average of three hours or less on days when it is provided, and
- (e) Receiving and caring for the children would not jeopardize their health, welfare or safety.

3. Guardians

For guardians of the person of the child.

40045 ADOPTIVE HOMES - CHILDREN

1. Independent Placement - Petition Filed

Adoptive homes in which a petition for adoption has been filed and is pending.

2. Agency Placement - No Petition Filed

Adoptive homes in which an adoption agency has placed a child for adoption but petition has not yet been filed.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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40047 HOMES WITH JUVENILE COURT COMMITMENTS UNDER W&IC SEC. 727, a

Homes to which juvenile court wards have been committed under Section 727a of the Juvenile Court Law.

40049 ACCREDITED LICENSING AGENCY

A local public agency designated by the Board of Supervisors and approved by the SDSW to license family boarding homes for children and aged, under the authority of W&IC Secs. 16004 and 16202.

40051 ACCREDITED INSPECTION AGENCY

A local public agency accepting limited delegation of authority for the SDSW to inspect and to recommend the licensing action to be taken by the SDSW for family boarding homes for children and aged. The SDSW retains responsibility for decision and action in regard to issuance or denial of license.

40053 ABBREVIATIONS

The symbol BHA is used to designate aged boarding homes.

The symbol BHC is used to designate children's boarding homes.

The symbol PC is used to designate parent-child boarding homes.

The symbol DC is used to designate family day care homes.

The symbol FT - full time - 24-hour care.

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ARTICLE 2 DELEGATION TO LOCAL AGENCIES

40101 RESPONSIBILITIES DELEGATED

The licensing responsibilities delegated to a local accredited agency shall be limited to facilities listed under Secs. 40103 and 40105.

40103 FACILITIES FOR AGED

1. Foster family homes for aged persons as defined by Sec. 40003.
2. Small group care homes for aged persons as defined by Sec. 40005.

40105 FACILITIES FOR CHILDREN

1. Foster family homes for 24-hour care of children as defined by Sec. 40015.
2. Special boarding homes for 24-hour care of children as defined by Sec. 40017.
3. Family day care homes for children as defined by Sec. 40021.
4. Special day care homes for children as defined by Sec. 40023.
5. Parent-child boarding homes for parent and children as defined by Sec. 40025.

40107 LIMITATION ON DELEGATION

The SDSW will accredit only one public agency to serve a county. Each accredited agency will have delegated responsibility for all boarding homes for children and aged persons in the county.

40109 PROCEDURE AND AGREEMENT OF ACCREDITATION - LICENSING AGENCY

The Board of Supervisors must enter into a contract with the SDSW and designate the licensing agency. Such contract shall be signed by the Director of SDSW and the Chairman of the Board of Supervisors.

40111 AGREEMENT WITH ACCREDITED INSPECTION AGENCY

No contract shall be necessary to become an accredited inspection agency, but such delegation shall be confirmed in writing.

Responsibility will be delegated to an accredited inspection agency for homes listed in Secs. 40103 and 40105.

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40113

STANDARDS FOR ACCREDITATION

In accepting accreditation, a local agency agrees to assume the following responsibilities:

1. To employ staff adequate in number and in competence to perform the duties required by this manual. For specific requirements, see Sec. 40115 - 40117.
2. To provide for staff assigned to the licensing program, qualified supervision and inservice training. See 40121 - 40123.
3. To establish procedures to determine the number and type of licensed homes needed in the county. See 40125.
4. To develop a program to recruit homes in accordance with verified need. See 40127.
5. To establish local procedures which insure that:
 - a. Preapplication interviews are available to potential applicants. See 40221.
 - b. The licensing process conforms with the requirements of this manual. See 40225 - 40251.
 - c. Licenses are not issued to homes which cannot meet the standards set forth in this manual. See Standards for Boarding Homes for Aged (40321 - 40411) and Standards for Boarding Homes for Children (40451 - 40527).
 - d. Interim supervision of licensed homes (1) provides reasonable assurance of continuing conformity with standards and with the terms of current licenses and (2) helps licensees improve the quality of care provided. See 40269 - 40287.
 - e. Care not in conformity with standards is terminated in a prompt and consistent manner (i.e., through voluntary withdrawal or denial of applications; voluntary discontinuance of license or recommendation for revocation, and any steps necessary to initiate prosecution for operation without a license or an injunction proceeding). See applicable sections in chapter on Licensing Process.
 - f. Case records and statistical records are established and maintained, and reports completed in accordance with the requirements of this manual. See 40151 - 40169.

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6. To supplement the supervision of licensed homes by providing other opportunities for licensees to increase their understanding of the needs of children and aged persons; learn effective methods of meeting these needs and receive recognition for the service they provide. See 40129.
7. To establish and maintain a system through which homes licensed to provide 24-hour care for children are (a) allocated to designated child-placing agencies for their exclusive use or (b) earmarked for use by parents who elect to place their children without the services of an agency (i.e., independent boarding homes). See 40131.
8. To establish and maintain a central vacancy file showing all licensed homes which can currently accept additional children or aged persons (i.e., all homes with vacancies except 24-hour BHCs allocated to child-placing agencies). See 40163.
9. To provide an adequate service of counseling and referral for parents, aged persons, relatives of aged persons, and agency workers requesting information about available licensed homes. See 40135.
10. To interpret to other staff, other agencies and the community, the licensing program, the needs of children and aged persons who require out-of-home care, and the proper use of licensed homes. See 40137.

40115 STAFF - GENERAL REQUIREMENTS

Each accredited agency shall have a staffing pattern which:

1. Assigns to one or more employees, responsibility for all phases of the licensing program described in this manual.
2. Insures that each employee assigned to any phase of the licensing programs will have sufficient time to perform his assigned duties in a competent manner.

There shall be review of the staffing pattern when a supervisor's duties exceed the supervision of more than six workers (exclusive of clerical staff).

If licensing responsibilities are assigned to professional staff who have other duties (i.e., intake for two or more programs; placement and supervision of foster children; public assistance, etc.), the workloads of these employees shall be limited to a size which permits performance of licensing duties in accordance with the requirements of this manual.

Sufficient clerical time shall be available to the licensing program to (a) conserve the time of social work staff; (b) insure the maintenance of adequate records and the completion of required reports and (c) make available the interpretive material needed.

40117 QUALIFICATIONS OF STAFF - LICENSING WORKERS

Workers who receive licensing assignments after June 30, 1961, shall have either status in the class or the qualifications for their position title (or for a comparable title) as established in the class specifications for that title, adopted by the Social Welfare Board for the Merit System.

40119 QUALIFICATIONS OF STAFF - SUPERVISORS

Supervisors assigned to any phase of the licensing program after June 30, 1961, shall have either status in the class or the qualifications for their position title as established in the class specifications for that title, adopted by the Social Welfare Board for the Merit System.

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40121 DUTIES OF STAFF - SUPERVISION

The duties of a supervisor assigned to the licensing program shall include:

1. Developing or assisting in the development of a training and staff development program. (See 40123)
2. Periodic review of licensing records to determine the quality of practice and the areas in which further training is needed.
3. Supervision of the job performance of licensing staff by (a) helping individual workers acquire the knowledge and skill needed for performance of their duties and (b) providing assistance in formulating work plans and sound licensing decisions.
4. Maintaining effective case control to insure that licensing responsibilities are properly discharged.

40123 STAFF DEVELOPMENT

Each accredited agency shall provide an orderly process of staff development for all employees assigned to the licensing program. This shall include:

1. Appropriate orientation to the licensing program, its philosophy and purposes, as well as to the duties of a licensing worker.
2. Inservice training designed to help staff acquire the knowledge and skill necessary to adequate performance of the licensing function.

40125 ASSESSMENT OF NEED FOR ADDITIONAL HOMES

Each accredited agency shall establish systematic procedures for determining the community need for additional licensed homes, and the characteristics of the homes needed.

These procedures shall include:

1. A system of recording and compiling information about the characteristics of homes requested but not currently available (e.g., homes in certain geographical areas; homes able to accept more than three children of the same family; homes whose rates are compatible with OAS grants, etc.).
2. Periodic review of the vacancy file to identify the characteristics of homes not used to capacity over long periods of time.

Information about continuing vacancies is properly used to acquaint potential applicants, applicants and licensees with the current need for out-of-home care. It shall not be used as a basis for refusal to accept an application; for undue delay in the study of an application or for denial of an application. See 40217.

Information about unmet needs shall be used as a basis for the agency recruitment program. It shall not be used to enforce an unwanted change in the terms of license, or a requested change which is not consistent with the best interest of children or aged persons requiring out-of-home care.

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40127 RECRUITMENT OF NEEDED HOMES

An accredited agency shall accept responsibility for conducting an active recruitment program when it is evident that the current supply of homes subject to its licensing jurisdiction is not adequate to meet the needs of:

1. Parents, aged persons, or relatives of aged persons using its referral service.
2. Public agencies responsible for developing placement plans for children or aged persons (i.e., the county welfare department, the probation department or the CYA).

When additional homes are needed, an accredited agency shall make all reasonable efforts to (1) retain the interest of potential applicants who seem able to meet licensing requirements; (2) enlist the help of licensees in recruiting suitable relatives, friends and neighbors, and (3) inform the general public of the need for licensed homes (e.g., through speeches, news releases, T.V. and radio programs and/or announcements, etc.).

Licensing staff shall not invest time in any special efforts to recruit homes not subject to the licensing jurisdiction of an accredited agency. When appropriate, however, applicants and licensees shall be advised of (1) any existing need for homes subject to license by the SDPH or the SDMH and (2) any need for additional homes reported by a private child-placing agency licensed to approve foster homes for its exclusive use.

40129 RESPONSIBILITY FOR IMPROVING THE QUALITY OF CARE

In addition to the interim supervision required by this manual (40269 - 40287), an accredited agency shall develop a program designed to (1) improve the quality of care provided by current licensees and (2) sustain their interest in providing a continuing service for children or aged persons who require out-of-home care.

The program for licensees shall include appropriate methods to (1) interpret the needs of children or aged persons; (2) describe ways in which these needs can be met; (3) explain any changes in law, regulation, licensing procedures or staff and (4) convey appreciation of the services provided by licensees.

40131 CLASSIFICATION OF 24-HOUR BHC'S

Each accredited agency shall endeavor to establish and maintain a system through which homes licensed to provide 24-hour care of children are (1) designated as agency foster homes for the exclusive use of a single child-placing agency (e.g., county welfare department, probation department, CYA, etc.), or (2) identified as independent boarding homes for use by parents who do not wish to use an agency placement service.

Any agency whose homes are not currently classified in this manner shall take immediate steps to classify (1) homes receiving an initial license (2) licensed homes not currently caring for children; (3) homes in which all children have been placed by their parents (i.e., independent boarding homes) and (4) homes in which all children have been placed by one agency. Other homes shall be classified as soon as this can be accomplished without replacing any children currently living in these homes.

Agencies to which homes are allocated shall be requested to (1) provide an annual written evaluation of each foster home used during the preceding year (see 40295) and (2) report immediately, any decision to discontinue use of an agency foster home.

Homes recruited by any child-placing agency shall be allocated for use by that agency, unless the licensee requests another classification.

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40135

REFERRAL SERVICE

An accredited agency shall provide a service of counseling and referral when a parent, aged person or relative of an aged person requests a list of licensed homes or help in developing a suitable plan for out-of-home care.

The service given shall include the following steps:

1. An interview (by telephone if necessary) to (a) obtain sufficient information about the child or aged person to determine his needs and (b) explore the possibility of developing another plan of care or of referral to another agency service (e.g., homemaker service, the child-placing service of this or another agency, etc.).
2. When indicated, review of the central vacancy file to identify homes which have some of the characteristics needed (e.g., location, rates charged, personal characteristics of the licensees, etc.) and
3. Review of licensing records to determine whether the homes selected for possible use would be likely to accept a child or aged person with the needs and characteristics described.
4. Discussion with the parent, aged person or relative about what it would be like for the child or aged person to live in the homes available and help in making decision about next steps.
5. If requested, referral to another worker or agency, or provision of a selected list of available homes (a minimum of three if possible).

If the interview indicates need for a facility not licensed by the accredited agency, a similar service shall be given whenever available resources are known (e.g., day nurseries, institutions for children or aged persons, nursing homes, homes licensed by the SDMH, etc.).

When appropriate, the steps listed above shall also be completed when a placement or public assistance worker, probation officer, or a worker from another agency requests assistance in finding a home that can meet the needs of a particular child or aged person.

On request, licensing staff shall participate in placement conferences to assist other staff in making decisions as to which of the homes available for use can best meet the needs of individual children.

40137

INTERPRETATION OF LICENSING PROGRAM

All accredited agencies shall provide appropriate interpretation of the licensing laws, the procedures used in licensing and the meaning of out-of-home care to children and aged persons, to all members of the agency staff and to other community agencies or officials who have any direct connection with this program (e.g., officials responsible for enforcement of state laws or local ordinances which may affect licensed homes (zoning commission, health department, fire safety officials, etc.); the probation department, juvenile court judge, district or city attorney; mental hygiene clinics, hospitals, other social agencies, etc.).

Accredited agencies shall also utilize available opportunities to (1) increase general community understanding of the licensing program, its objectives, and the proper use of licensed homes and (2) stimulate the interest of community groups in meeting the needs of children and aged persons living in licensed homes (e.g., the need of aged persons for recreation and social contacts, of foster children for acceptance at school and in community activities, etc.).

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ARTICLE 3. RECORDS AND REPORTS.

40151 CONFIDENTIAL NATURE OF RECORDS AND INFORMATION

Boarding home records and information pertaining thereto shall be confidential.

Information that an application has been filed, that license has been granted or denied, the number for which license has been granted, and the type of care (type as distinguished from quality) given, is public information and shall be provided on request.

Information shall be given in actions brought by law enforcement officers dealing with the enforcement or prosecution of the boarding home law.

In the subpoena of records and witnesses by a court when the action does not concern the licensing program, the attention of the court shall be called to the confidential nature of records.

Information of an evaluative nature (which may include the entire record) shall be released only when it is requested by a public or private social welfare or health agency which fulfills the following conditions:

1. The agency, as part of its usual duties, makes social investigations for the purpose of rendering social service.
2. The agency maintains adequate standards for the protection of confidential information.
3. The agency will use the information only for the purpose for which it is made available, such purpose to be reasonably related to the purpose and functions of the inquiring agency.

40153 CASE RECORDS

Each licensing and inspection agency shall maintain case records containing all information secured regarding each of the following:

1. Prospective applicant for license (preapplication contacts)
2. Applicant for license
3. Licensed Boarding Home.

The record shall contain full information relative to the action taken by the agency or the decision of the applicant or prospective applicant to withdraw.

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40155 CONTENT OF CASE RECORDS

Pertinent social information revealing the characteristics of each boarding home shall be recorded in order that the strengths and weaknesses of the home are clearly set forth, and there is indication of the basis for the action taken by the agency.

In addition to the case recording, case records shall include in a uniform arrangement: (1) copies of all forms completed in connection with the application or licensing study; (2) all correspondence received; and (3) copies of all correspondence sent.

An accredited licensing agency shall file a copy of the license in the case record. The record of an inspection agency shall contain copies of the notification from the SDSW that a license has been issued.

40157 RETENTION AND DESTRUCTION OF CASE RECORDS

Records shall be maintained intact for five years after the application is denied or withdrawn, or the license becomes ineffective. Thereafter, all material may be destroyed except:

1. Information necessary for auditing purposes (i.e., index cards for licensed cases).
2. The records of licensees who have filed an appeal from revocation of license or denial of a renewal application. These records shall be retained permanently.

If no application was filed (i.e., cc's), correspondence and/or recording may be destroyed two years after the last contact.

40159 RECORD OF HOMES IN EXCLUSIVE USE BY LICENSED PRIVATE CHILD PLACING AGENCY

The accredited agency shall record and file each notification form received from a private child placing agency and shall take any appropriate action indicated by the information recorded on this form (e.g., clearance with agency files to identify whether BHC application filed and appropriate correlation with any existing record; followup re licensing requirement when foster children are in care and the home is not approved for use by the private agency; etc.)

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40161 CONTROL PROCEDURES - MASTER FILE

Each accredited licensing or inspection agency shall maintain a master card file of all boarding homes.

Each agency shall also maintain a method of registering each case number assigned, and cases shall be further identified by a symbol differentiating the aged homes and the children's boarding homes.

40163 CENTRAL VACANCY FILE

Each accredited agency shall establish a procedure through which it is possible to identify all licensed homes currently available for use (i.e., all BHA's which have vacancies and all BHC's not allocated for the exclusive use of a child-placing agency. See 40121)

If a separate "vacancy file" is not maintained, identifying tabs and needed information shall be placed on the cards in the Master File or Central Registry. (See BH-024.10-024.13 - Handbook.)

40165 CENTRAL REGISTRY

Each accredited licensing or inspection agency shall maintain a central registry of all licensed homes within the agency's jurisdiction, in order that there may be one central source of information to the public.

The Master File may be used or adapted for this purpose.

This information must be made accessible to the public.

40167 CASE PROCESSING CONTROLS

Accredited agencies shall maintain card files and controls on:

1. Pending applications
2. Annual renewals
3. Inquiries, homes reported to be operating without license, complaints, etc.
4. Any required clearances (e.g., fire, sanitation, tuberculin skin test or X-ray, etc.).

40169 STATISTICAL REPORTS

Accredited licensing agencies shall submit the following monthly statistical reports to the SDSW:

1. Monthly Statistical Reports on Licensing of Boarding Homes for Aged, Form BHA-41
2. Monthly Statistical Reports on Licensing of Boarding Homes for Children, Form BHC-41.

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ARTICLE 4 LICENSING PROCESS

40201 PURPOSE

The welfare of children and aged persons, rather than the desire of the applicants for a license, shall guide the process of licensing foster homes.

40203 ACCREDITED AGENCY - GENERAL

An accredited agency shall accept applications for license in accordance with its delegated responsibility, and shall act on such applications as rapidly as administratively possible.

Case records shall be maintained and shall contain all information secured regarding each application for a boarding home license and each licensed boarding home. (See Sec. 40153.)

40205 INSPECTION AGENCY - RESPONSIBILITY

Each inspection agency shall prepare all forms, correspondence and reports (including recorded reports of interviews and other contacts) in duplicate to provide material for the record maintained by the SDSW.

40207 ~~LICENSING JURISDICTION~~

40209 DETERMINATION OF JURISDICTION

Initial contacts with persons planning to care for children or aged persons shall include a determination of whether their home is subject to license by the accredited agency. (See Secs. 40103 and 40105 - See also Handbook Sec. 103.10 for chart.)

When the care planned cannot be properly classified as boarding home care for children or aged persons, any other licensing requirements shall be explained and information given about the procedures to be followed in making application to the proper state department (i.e., the SDSW, the SDPH or the SDMH). An opportunity to modify plans to remain within the licensing jurisdiction of the accredited agency shall also be provided and any necessary referral procedures explained.

Plans which appear subject to license shall be reported to the proper state department when (1) children or aged persons are currently receiving care; (2) a proposed facility is believed to fall within the licensing jurisdiction of the SDSW or (3) an application for license as a boarding home was previously filed and is still pending. (For referral procedures, see Secs. 40211 and 40213 .)

Any BHC or BHA application filed before the current plans were developed or fully understood shall remain pending until it is known whether licensing jurisdiction will be accepted by another agency. (See Secs. 40211 through 40215.)

When a request for inspection by a fire safety authority or local health department preceded referral to another agency, written notification of the referral shall be sent to the appropriate inspection official. (See Sec. 40243 .)

On receipt of notification that licensing jurisdiction has been accepted by another agency, a letter shall be sent to the applicant advising that his application will be considered withdrawn. (See Sec. 40255 .)

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40211 REFERRAL TO SDSW

When plans for the care of children or aged persons are believed to fall within the licensing jurisdiction of the SDSW, a referral report shall be sent to the nearest Area Office.

This report shall include:

1. A copy of the recording of the initial interview and/or a summary of pertinent information contained in any prior record of the accredited agency.
2. A letter which explains the basis for referral, reports the current status of any application previously filed and if an application is still pending, requests a report of the SDSW licensing decision.

Similar referral shall be made to the SDSW when there is (1) doubt as to whether a proposed facility is subject to license or (2) a lack of clarity about licensing jurisdiction.

40213 REFERRAL TO SDPH

When plans for the care of children or aged persons are believed to fall within the licensing jurisdiction of the SDPH, any referral report required by Sec. 40207 shall be sent to the Bureau of Hospitals of the SDPH (2151 Berkeley Way, Berkeley), with a copy to the appropriate Los Angeles Health Department (city or county) if the facility is located in Los Angeles.

This report shall include the following information:

1. Name of the home (if any).
2. Address of the home.
3. Name and address of the potential applicants.
4. Licensing status with the accredited agency (including the date of expiration of any current license and the terms of the license).
5. Number of any children or aged guests currently receiving care and a brief description of their physical and mental condition. (A medical diagnosis is not required.)
6. A statement of the plans described as they relate to the services to be provided (e.g., administration of medicine, bedside care, massage, physiotherapy, etc.); the physical or mental condition of the children or aged persons to be accepted for care and any other pertinent information needed to determine jurisdiction.

If a BHC or BHA application is pending, the letter of referral shall also request a report of the SDPH decision about jurisdiction.

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40215 REFERRAL TO SDMH

When plans for the care of children or aged persons are believed to fall within the jurisdiction of the SDMH, any referral report required by Sec. 40207 shall be sent to the Division of Private Institutions of the SDMH (107 S. Broadway Street, Room 2012, Los Angeles 12).

This report shall include all information required when referral is made to the SDPH. (See Sec. 40213)

40217 APPLICATION FOR LICENSE

Any person shall have the right to file an application for license.

A person who wishes to file an application shall be given an opportunity to do so even when it is known that licensing standards are not met, or that aged guests or children are not available for placement.

Persons currently caring for children or aged persons and intending to continue such care shall be instructed to file an application.

A new application shall be filed whenever there is any change in type of care, change in location or change in the persons responsible for providing care. See Secs. 40273 and 40285 - 40287.

A new application is also required when a renewal application was not filed within the legal time limit. See 40309.

The appropriate application form (BHA 10 - Application for License to Operate a Private Home for Aged or BHC 10.1 - Foster Home Application) shall be completed and signed by the applicant.

40219 APPLICATION FOR LICENSE - CRIMINAL RECORD CLEARANCE - BHC

The application form (BHC-10.1 - Foster Home Application) shall be completed and signed by both husband and wife under penalty of perjury.

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40221 PRE-APPLICATION SERVICE

Potential applicants (husband and wife or both partners in a proposed BHA, if pertinent) shall be asked to come to the office for an intake interview, unless this is not a reasonable requirement (e.g., because of the distance involved, etc.).

If group meetings for potential applicants are held, the office interview may precede or follow the group session, but a group meeting shall not be used as a substitute for the required office intake interview.

Intake interviews shall be planned to:

1. Secure information about the motivations and qualifications of potential applicants.
2. Interpret in general terms, the licensing laws, the standards applicable to the type of care planned, the way in which the agency determines eligibility to license, and what would be involved for an applicant in securing a license (i.e., agency contacts with references and any necessary clearances and verifications).
3. Help potential applicants decide whether the responsibilities involved in foster parenthood or care of aged persons are consistent with their needs, interests and capacities.
4. Provide a basis for mutual decision as to whether there is reasonable expectation that the requirements for license can be met.
5. Help potential applicants decide whether they wish to file an application, consider further the information received, or abandon their plans to care for children or aged persons.
6. Develop plans for any next steps indicated by the decisions reached (e.g., another office interview after information about zoning requirements has been secured, home visit after an application is filed, etc.).

40223 PREAPPLICATION SERVICE - BUILDINGS TO BE USED AS A BHA

When a potential applicant for a BHA license reports a plan to purchase or lease a building; construct a new room, wing or building; or make major alterations in an existing building, the intake interview shall include discussion of applicable building requirements.

If care of more than six aged persons is being considered, a potential applicant planning new construction or major alterations of buildings shall be advised to discuss his plans with an appropriate fire safety official before construction is started. Potential applicants wishing to operate an institution for aged persons at some future date shall be referred to the nearest office of the SDSW, even though the operation planned at this point would not remove the facility from the jurisdiction of the accredited agency. (See Sec. 40211 for appropriate procedure.)

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40225 STUDY OF APPLICATION

The licensing agency shall complete a study of each application received.

Each study shall include all steps necessary to determine whether applicable licensing standards are or are not met. (See Secs. 40231 through 40251.)

When a probation officer has submitted Form BH-75 certifying that a foster home meets the minimum requirements for license, the content of any attached material shall determine the steps necessary to obtain assurance that licensing standards are met. When a report of the home study completed by the probation officer is provided, the adequacy of its content shall be evaluated and appropriate plans made to secure any additional information needed (directly or through the probation department). If there is no report of the home study, all of the usual steps necessary to determine eligibility to license shall be completed.

The study shall be completed within 90 days after the receipt of application, unless there are factors beyond the control of the agency (e.g., failure to receive necessary reports or clearances, etc.).

40227 CRIMINAL RECORD CLEARANCE - INITIAL LICENSING STUDY - BHC

Each prospective foster parent shall be fingerprinted by a person trained to take fingerprints. Criminal record clearance shall be obtained from the State Bureau of Criminal Identification and Investigation by the use of Form CII-7.

If it is not possible to ascertain the criminal record or absence thereof by the fingerprint method, then resort to name check as a secondary, alternative method shall be made.

If a person's fingerprints are taken twice and both sets are not sufficiently clear to permit CII to effect clearance, use of the name check as a secondary, alternative method is permissible if the following conditions are observed:

- a. There is a completed, signed application on file which includes a statement as to whether or not the applicant has a criminal record.
- b. An entry is made in the licensing narrative record explaining effort to effect clearance by the fingerprint method and reason(s) for resorting to the name check.

Name check method shall also be used in unusual circumstances, e.g., if the person is physically unable to have fingerprints taken and is, in all other respects, qualified for a license.

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40229

DISPOSITION OF CRIMINAL RECORD REPORTS - BHC

The criminal record reports shall be reviewed promptly on receipt. Upon such review the accredited agency shall:

1. Continue processing the application if there is no criminal record, or if the only record is of minor traffic violations in which a fine of \$50 or less was imposed.
2. Deny the application for a license if the reports show that either the husband or wife has been convicted of a felony involving intentional bodily harm or any sex offense whether felony or misdemeanor.
3. Deny the application if either applicant or spouse has wilfully, and in a material way, withheld or falsified information regarding his or her criminal record.
4. In all other cases determine whether the issuance of a license is possible. Some of the factors to be considered are whether applicants have been rehabilitated, or the conviction modified, or a pardon issued.
5. Obtain conclusive information in all matters on which the reports are inconclusive as to whether either applicant has been convicted of a crime including modification, setting aside of the conviction, or pardon.
6. Promptly notify the applicants if denial is indicated. If there is a foster child in the home promptly notify the child placing agency responsible, or the child's parents, or guardian.

40231

INTERVIEWS

Each study shall include a sufficient number of interviews with the applicants to determine their ability to meet the needs of foster children or aged guests.

At some appropriate point, the standards shall be reviewed with the applicant.

When issuance of a license is anticipated, the requirements relating to the maintenance of a register and strict adherence to the terms of the license shall be explained. A copy of the pamphlet containing appropriate standards shall also be given.

Applicants eligible to license shall be advised that forms (BHA 50 - Identification and Emergency Information - Residents - Homes for Aged, BHC 50 - Boarding Home Register - Child Placed by Parents, and BHC 50.1 - Boarding Home Register - Child Placed by Agency) are available for use in maintaining the required register, and shall be provided with a supply of appropriate forms.

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40233 HOME VISITS

Unless the application is withdrawn or denied after an initial interview(s), the study shall include at least one visit to the applicant's home to determine whether requirements relating to the physical aspects of the home are met.

When there are own children or other adults living in the home, one or more home visits shall include an evaluation of conformity with requirements applicable to all members of the household (e.g., mental and physical health, willingness to share their home with a foster child or aged persons; family relationships; etc.)

40235 REFERENCES

A license shall not be issued until one or more references have been consulted to corroborate and give assurance that the impressions gathered by a thorough and careful evaluation of the home are reasonably sound.

40237 VERIFICATION OF INCOME AND HEALTH

Each study shall include any necessary verification that standards relating to physical and mental health and financial status are met.

40239 VERIFICATION OF FREEDOM FROM TUBERCULOSIS -BHC

Unless all members of the household are exempt from these requirements because of their religious beliefs, each study shall include:

1. A determination that all necessary reports on intradermal tuberculin tests or chest X-rays have been secured within the last twelve months. (See Handbook Sec. BH-120.24 and Regulation Sec. 40327-1.)
2. An examination of these reports to insure that freedom from active tuberculosis has been certified.

40241 IDENTIFICATION OF HOMES HANDLING MONEY OF AGED PERSONS-BHA, APPLICATION

Each applicant for a BHA license shall be required to submit a "Certificate Regarding Money Handled for Aged Persons." (BHA 86)

If the money handled in any one month averages \$25 or more per resident or \$500 or more for all residents, he shall be required to post a "Bond of Home for Reception or Care of Aged Persons" (See Handbook Section BH-026). The bond, in an amount determined in accord with Regulation 40351 shall be kept on file and shall be a part of the licensing record.

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40243

FIRE SAFETY - CLEARANCES

Requests for inspection shall be sent to an appropriate fire official when: (Form BH-23.7 is available for this purpose.)

Aged Homes

1. An applicant requests an initial license to care for one or more aged persons.
2. A boarding home license is renewed.
3. New construction or major alteration of buildings has been completed.
4. The licensee requests a change in the terms of license that may affect fire safety.
5. The licensing agency doubts that fire safety exists.

Children's Boarding Homes

1. The foster parents plan to care for more than six children, including own children.
2. The home is located in a federal housing project.
3. The licensing agency doubts that fire safety exists.
4. The foster parents plan to use a temporary structure for the care of foster children during the summer vacation.

Making Requests for Fire Inspection

If local fire inspection is not available, requests for inspection shall be sent to the appropriate district office of the State Fire Marshal in San Francisco, Sacramento or Los Angeles.

Requests shall include the following:

1. Name and address of home.
2. Clear directions for reaching home.
3. Description of building.
4. Any observed fire hazard.
5. Number and ages of foster children.
6. Number of aged persons and any pertinent information on their physical condition.
7. When appropriate, a request for the changes necessary to make any portion of the building safe for the care of nonambulatory aged persons.

Withholding of License

When a fire inspection is required, a license shall not be issued until a fire clearance is received.

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40245 LOCAL HEALTH AUTHORITIES - CLEARANCES

Inspection by a local health department shall be requested when there is doubt that standards relating to health and safety are met.

Special problems in determining conformity with standards exist when:

1. The home is located in a rural area which does not have an approved water supply, sewage system and other public utilities. (See Secs. 40391 and 40491.)
2. The milk supply is not obtained from a commercial dairy. (See Sec. 40481.)
3. The home appears to present a health hazard (storage, care and protection of food, refuse disposal, general sanitation of premises, etc.) (See Secs. 40391 and 40491.)
4. An expanded summer program for the care of foster children is planned.

For these programs, the guidance of the health department shall be followed with regard to the adequacy of toilet and bathing facilities as well as the items listed above.

40247 HOUSING

When there is doubt that the requirements of the State Housing Act are met, an inspection by an appropriate housing official shall be requested.

40249 LOCAL ORDINANCES

Eligibility to license shall be determined on the basis of conformity to the standards issued by the SDSW, and no responsibility to enforce conformity with local ordinances shall be assumed by the SDSW or the accredited agency.

40251 LICENSING AGENCY - EVALUATION

When all necessary information has been secured through interviews, observation or written reports, the findings shall be evaluated to determine conformity with standards.

In this process, deviations from standards relating to the physical aspects of the home shall be approved only when (1) all other requirements are met and (2) a realistic modification of standards is necessary to protect the welfare of a particular child or aged person, or to secure any licensed homes in a particular community (i.e., when the removal of a child or aged person already living in the home would be damaging to his welfare or when the prevailing standards of housing in the community are substandard because of an acute housing inadequacy, or other reasons).

The evaluation, as well as the information obtained, shall be recorded and used as a basis for decision about the licensing action to be taken.

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40253 INSPECTION AGENCY

When the study of an application has been completed and the recommendations are ready for licensing review, the SDSW shall be notified on the form provided for this purpose.

40255 WITHDRAWAL OF APPLICATION

An applicant shall be permitted to withdraw his application at any time prior to the issuance of a license.

A verbal request for withdrawal of application shall be confirmed in writing by the agency.

An inspection agency shall secure a duplicate withdrawal or send a copy of the confirming letter to the SDSW.

40257 ISSUANCE OF LICENSE

When the requirements for license are met, the appropriate license form (BHA-30.1 - License to Conduct a Boarding Home for Aged Persons or BHC-30.1 - License to Conduct a Boarding Home for Children) shall be completed.

All licenses shall bear (1) the case number and symbol assigned (i.e., BHC or BHA); (2) the name and address of the person or persons responsible for the care to be provided; and (3) the effective dates and terms of the license as set forth in Secs. 40259 and 40261.

The original and one copy of the license shall be signed by the executive or delegated employee of the agency responsible for licensing (i.e., the accredited agency or the SDSW).

One copy of the license shall be filed in the case record and the original license transmitted to the licensee(s) with any special instructions, register forms or other pertinent material.

40259 EFFECTIVE DATE

The effective date of a license shall be the date actually issued or a subsequent date.

No license shall be issued or bear an effective date prior to completion of the licensing study. A license shall not be predated to the expiration date of a prior license when a new application was required because of a change of location or a change in the person(s) responsible for care. (Example: The previous license issued to the same applicant at another address or to a different licensee at the same address expired in May, and the study of the new application was not completed until June. The new license must not bear a date prior to the completion of the study in June.)

No license shall bear a date of expiration more than 12 months from the date of issuance.

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40261

TERMS OF THE LICENSE

1. General

The license shall specify the maximum number of foster children or aged guests to receive care at any one time.

When continued care of a particular child or aged person requires special permission, the license shall specify the name of each person whose care is so authorized.

Any other limitations indicated by the study shall be written on the license or included in the transmittal letter.

2. Boarding Homes for Aged Persons

Unless the care of nonambulatory aged persons has been approved by fire safety officials, each BHA license shall state "Ambulatory aged only." When such approval has been given, the license must specify the number of nonambulatory persons included in the licensed capacity and any limitations on the rooms which they may occupy. (See Sec. 40243.)

3. Boarding Homes for Children (day care and 24-hour care)

The license issued to a foster home for children shall specify (1) the age range and sex of the foster children and (2) the type of care authorized (i.e., "For day care only;" "For 24-hour care only" or "For parent-child care only").

Unless requirements for a "Special license" are met, the number of foster children specified on the license and the number of children in the foster family less than 16 years of age shall not total more than six.

A license with a minimum age range of less than two years shall also specify the number of foster children under two years of age who can be accepted for care. Unless the requirements of Item 1 in Sec. BH-124.21 can be met, this number shall not exceed the following:

1. None, if the foster family has two or more children under two years of age.
2. One, if the foster family has one child under two.
3. Two, if there will be other children over two years of age in the home (i.e., own children or foster children).

Care of more than two children under two years of age shall be authorized only when there will be no other children in the home and an exception is warranted by some unusual factor (e.g., care required by three brothers and sisters under two years of age; care will be given by two adults, etc.).

(Continued)

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40261 (Continued)

When foster parents and/or other members of the household have claimed exemption from the requirements relating to intradermal tuberculin tests and chest X-rays on the basis of their religious faith, the license shall be limited to the care of children of the same faith. (See W&IC Sec. 16017).

For foster homes which operate a summer program for a larger number of children, the license shall clearly state both the number of children permitted for year-round care and the number of children permitted for summer care. If the summer capacity has not been determined at the time license is issued for year-round care, a new license shall be issued when the summer capacity is determined. This license shall indicate the number permitted for year-round care, as well as the number for whom summer care is authorized.

40263 SDSW, ISSUANCE OF LICENSE - INSPECTION AGENCY

When it is necessary to recommend denial of a new application, this action shall be carefully discussed with the applicant and if any children or aged guests are living in the home, a plan and date for the discontinuance of care shall be agreed upon.

Unless the applicant elects to withdraw his application, a letter of denial shall be sent to the applicant confirming the prior discussion. This letter shall (1) state that the application is denied (2) review the reasons for this decision and (3) confirm any plan for the discontinuance of unlicensed care. The reasons given shall represent a true statement of fact but need not include a detailed listing of all factors which contributed to the denial decision. (See Handbook section.)

Whenever it is known that children or aged persons living in the home have been placed by or through public or private welfare agencies (e.g., county welfare department; probation department; California Youth Authority, Catholic Welfare Bureau, etc.), notification of the plan to deny a license shall be given to the agency concerned.

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40265 INSPECTION AGENCY - DENIAL OF LICENSE

When it is necessary to recommend denial of an application, this action shall be carefully discussed with the applicant in the manner required for a licensing agency. (See Sec. 40263 .) The agency shall then notify the SDSW of its recommendation of denial.

40267 OPERATION WITHOUT A LICENSE

Continued care of children or aged persons without a license, and continued refusal to file an application shall be followed by referral to the district attorney for action.

Such referral shall also be made when care is continued after the withdrawal or denial of an application.

The letter of referral to the district attorney shall include:

1. The date of denial, withdrawal or refusal to file an application.
2. A statement of the reasons for denial or of the reasons given for withdrawal or refusal to file an application.
3. A request for action under W&IC Sec. 16015 or 16210.

When denial is based on a lack of fire safety clearance, the letter of referral to the district attorney shall also contain a report of the fire official's findings. A copy of the referral to the district attorney shall also be sent to the local fire department or the State Fire Marshal.

In all instances, the agency shall keep the district attorney informed of any subsequent adjustment which might make further action unnecessary, or any development which will require additional action on his part.

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40269 SUPERVISION OF LICENSED HOMES - AGED AND CHILDREN

Interim visits shall be made to (1) insure that the welfare of children or aged persons is properly protected and (2) help licensees improve the quality of care provided.

Priority shall be given to work with new licensees and with those who were not in full conformity with regulations when the last license was issued.

When it is evident that requirements are not met, applicable standards shall be explained and a plan developed to correct deviations or achieve conformity with the terms of the license within an appropriate time limit. (See Handbook.)

At least two supervisory visits shall be made before the expiration of the current license. One of the required visits may be the visit made as part of the renewal study. See Sec. 40295. (W&IC16201 requires a minimum of two visits each year.)

40271 CARE OF PERSONS NOT PERMITTED UNDER TERMS OF LICENSE

Any indication that licensing jurisdiction may be affected by the physical or mental characteristics of the foster children or aged persons accepted for care, the services provided or the future plans of the licensee, shall be promptly explored.

In the absence of any intent to provide care not within the jurisdiction of the accredited agency, the licensee shall be requested to discharge any children or aged persons whose care cannot be permitted under the current license.

When the licensee wishes to continue the care of individuals whose physical or mental condition appears to remove the home from the jurisdiction of the accredited agency, or plans to provide care clearly within the jurisdiction of another agency, all procedures required for a new applicant shall be followed. (See Secs. 40207 through 40215.)

A current license shall remain in effect pending notification that jurisdiction has been accepted by a state agency. If a license is issued by a state agency the accredited licensing agency (or the SDSW for an inspection agency) shall include in the required letter of notification to the licensee (see Sec. 40207), a request for return of the license and shall report the license cancelled.

40273 CHANGE IN TYPE OF CARE

When a licensee requests a change in the type of child care (i.e., day care, parent-child care or 24-hour care) or a change from child care to the care of aged persons, or vice versa, the need to file a new application shall be explained.

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40275 CHANGES IN EXISTING BUILDINGS - LICENSED BHA'S

When a licensee reports a plan for the construction of a room, wing or building, or the major alteration of a building to be used for aged residents, his plans shall be reviewed to insure that the proposed additions or alterations will conform with regulations.

Licensees planning to expand capacity beyond the number of aged persons permitted in a boarding home shall be referred to the nearest Area Office of the SDSW. (See 40211 for appropriate procedure.) Other licensees whose proposed plan of operation will require fire safety clearance (40397) shall be advised of this fact, and of the need to discuss their plans with an appropriate fire safety official before construction is started.

40277 CHANGE IN TERMS OF AN UNEXPIRED LICENSE

1. An amended license shall be issued when there is need to change the terms of an unexpired license.

An amended license may:

- a. Authorize a requested increase in capacity.
- b. Authorize the care of a named person whose admission or continued care requires special permission (e.g., a mentally retarded child; a nonambulant aged person, etc.).
- c. Remove or decrease limitations in care when these restrictions are no longer necessary (e.g., limitations in age range, care of named persons only, etc.).
- d. Add limitations or reduce capacity on (1) receipt of a request or (2) completion of applicable procedures listed below.

An amended license with less restrictive terms shall only be issued when the home can meet the necessary requirements.

(Continued)

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40277

(Continued)

2. When investigation indicates that the licensed capacity should be reduced or new limitations placed upon an unexpired license, the reasons for this decision shall be explained. If the licensee agrees to the proposed change, he shall be requested to return his current license and advised that an amended license will be issued on receipt of the prior license.

If the licensee is dissatisfied with the decision to modify the terms of his license, his right of appeal and the 30-day limit for filing an appeal shall be explained.

If his attitude remains unchanged at the end of the interview, a letter shall be sent to the licensee by registered or certified mail (a) enclosing the amended license and (b) confirming the verbal explanation of the reasons for the decision to modify the license, the right of appeal and the 30-day limit for filing an appeal.

On receipt of an appeal, the accredited agency shall immediately notify the Area Office of the SDSW in the manner required when an appeal from the denial or modification of a renewal license is received. (See Sec. 40305)

If an appeal is not received within 30 days, a letter shall be sent to the licensee (a) explaining that the time limit for filing an appeal has expired and (b) requesting that the ineffective license be returned.

40279

CHANGE IN TERMS OF LICENSE - INSPECTION AGENCY

When a change in the type of care or an amendment in the terms of an unexpired license is indicated (see Secs. 40273 and 40277), the appropriate recommendation shall be sent to the SDSW.

40281

CHANGES IN STANDARDS FOR BOARDING HOMES

Whenever there are revisions of the standards of homes for children or aged persons licensed by the accredited agency, the agency shall provide a copy to each licensee required to meet them, not later than the date on which another license is issued.

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40283 VOLUNTARY DISCONTINUANCE OF LICENSE - TERMINATION OF LICENSE

If a licensee decides to discontinue the care of foster children or aged persons, the agency shall request that the license be returned.

40285 CHANGE OF LOCATION - TERMINATION OF LICENSE

If the licensee moves to a new address, he shall be notified that his license is cancelled, requested to return his current license and advised that a new application is required if foster children or aged persons are to be cared for at another address. If the present whereabouts of the licensee are unknown, this letter shall be sent to his last known address.

40287 CHANGE OF OPERATOR- TERMINATION OF LICENSE

If the licensee sells, leases or rents the boarding home to another person, he shall be notified that the license is cancelled and requested to return his license. If the new occupant plans to use the home for the care of children or aged persons, he shall also be notified of the necessity of filing an application for license.

Upon receipt of notification of a plan to sell a building in which a home for the aged has been conducted, the agency shall notify the licensee that his license will be cancelled by transfer of ownership of the property, and shall request further notification of consummation of the sale.

Upon receipt of notification of the sale or upon learning of a transfer of ownership or lease to another party, the agency shall notify the potential new operator of his responsibility to obtain a license before engaging in care of the aged.

40289 AGENCY RESPONSIBILITY FOR RENEWAL OF LICENSE

The accredited agency shall maintain a control file in order that each case will automatically come to attention 90 days before the expiration of the license.

When eligibility to a renewal license is doubtful, a visit to the home shall be made at least 60 days prior to the expiration of license.

If conditions found during this visit seem to warrant the denial of a renewal application, this fact shall be explained and the licensee helped to develop plans for termination of operation before the expiration of his current license. If the licensee wishes to exercise his right to file a renewal application, however, the appropriate application form (BHC 11 or BHA 11.1) shall be provided and plans for the renewal study made. (See Sec. 40295.)

Other licensees shall be requested to file a renewal application at least 60 days prior to the expiration of license.

40291 CRIMINAL RECORD CLEARANCE - RENEWAL STUDY - BHC

A criminal record clearance shall be made for foster parents promptly after the signed application for renewal of license is received. Criminal record clearance is required only upon the first renewal of a license in effect prior to September 20, 1963. Responsibilities of the accredited agency are as outlined in

40227 and 40229.

40293 STUDY OF RENEWAL APPLICATION

On receipt of a renewal application, a renewal study shall be completed before the current license expires unless there are factors beyond the control of the agency (i.e., failure to receive necessary reports or clearances, etc.).

When there is substantial doubt that a boarding home for aged persons is eligible for license, the renewal study shall be completed at least 30 days prior to the expiration of license. (See Sec. 40305.)

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40295

CONTENT OF RENEWAL STUDY

The renewal study shall include:

1. At least one visit to the applicants' home.
2. A review of the register (Form BHA 50, BHC 50 or BHC 50.1) giving information about the children or aged persons under care during the past year to determine compliance with the requirements concerning (a) the maintenance of a register and (b) adherence to the limitations of the last license. (See Sec. 40409 and 40517)
3. A review of the tuberculin test and/or chest X-ray reports on file in the home to determine whether all necessary reports have been obtained during the last twelve months. (See Handbook Sec. BH-120.24)
4. Any clearances required to determine continued conformity with state laws and regulations relating to housing, fire safety and sanitation. (See Sec. 40297)
5. Any necessary verification that other standards are currently met.
6. Any information available from staff in other units or agencies or from individuals about the quality of care provided during the previous year. Such information shall be obtained when:
 - a. A 24-hour BHC is allocated to an agency for its exclusive use.
 - b. A BHA serves public assistance recipients.
 - c. It is practical to contact parents of children receiving day care or care in an independent boarding home, and relatives of aged persons living in BHAs not serving recipients of public assistance.
7. Evaluation of all findings in terms of service to children or aged persons.

This evaluation shall be based on information received by the licensing worker during the past year, as well as on the findings of the renewal study.
8. Recording of the evaluation, as well as the information on which it is based.

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40297 CLEARANCES ON LICENSE RENEWALS

Fire safety inspection shall be requested and clearances received for any home falling within the classifications listed in Sec. 40243.

See Secs. 40245 and 40247 for other inspections which may be necessary.

40299 IDENTIFICATION OF HOMES HANDLING MONEY OF AGED PERSONS-BHA, RENEWAL

Each applicant for renewal of license shall be required to submit a "Certificate Regarding Money Handled for Aged Persons" (BHA 86). Issuance of a renewal license is conditional upon continuing compliance with Regulation 40349 and Regulation 40351. (See also Regulation 40241 and Handbook BH-112.51).

40301 WITHDRAWAL OF RENEWAL APPLICATION

All procedures relating to the withdrawal of a new application shall be followed for withdrawal of a renewal application. (See Sec. 40255.)

40303 ISSUANCE OF RENEWAL LICENSE

1. Renewal of License-BHA

When the requirements for license are met, a renewal license shall be issued in the manner described for an initial license. (See Secs. 40257 through 40261.)

A renewal license shall be issued to an operator of a boarding home for aged persons on or before the date on which the last license expires unless:

- a. A renewal application (BHA 11.1) was not filed ten days before the expiration of the last license (W&IC 16203 and 16204) or
- b. A letter notifying the operator of the denial of his application was sent 30 days prior to the expiration of license. (See Sec. 40305, Item 2.)

If necessary clearances are received before the last license expires, a renewal license shall be issued to an otherwise eligible operator of a boarding home for aged persons, even though a letter of denial was previously sent.

2. Renewal of License-BHC

No renewal foster home license for children may be issued until a criminal record report is on file and disposition made in accordance with 40229.

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40305 MODIFICATION OR DENIAL OF RENEWAL LICENSE

1. Modification of License

When a renewal application requests a license with terms identical with those of the last license issued and decision is made to issue a more restrictive license (e.g., reduced capacity, care of named persons only, further limitations in the age range of children, etc.), the reasons for this decision shall be carefully discussed with the licensee. If the licensee indicates that he is dissatisfied with this decision, the right of appeal shall be explained.

When the license is issued, it shall be sent to the licensee by registered or certified mail with a letter explaining the reasons for modification in the terms of the license, the right of appeal from a change in the terms of the license, and the time limit for filing an appeal (30 days).

If the decision involves a boarding home for aged persons, this letter must be sent at least 30 days prior to the expiration of the current license. (See W&IC Sec. 16203)

2. Basis for Denial - General

A renewal license shall be denied when any of the following conditions are found during a renewal study:

- a. Evidence of mistreatment or neglect of children or aged persons (either physical or emotional) which the licensee is unable or unwilling to correct.
- b. Refusal or failure to correct a life or health hazard within a reasonable period of time after the need for correction has been explained.
- c. Refusal or failure to correct other deviations from regulations which jeopardize the welfare of children or aged persons, within the time limit established.
- d. Persistent violation of the terms of the license.

When it is necessary to recommend denial of a renewal application, an interview shall be arranged to explain (a) the reasons for denial, (b) the fact that withdrawal of the application is possible, (c) the right of appeal and (d) the 30-day time limit for filing an appeal. If interest in filing an appeal is expressed, the appeal procedure shall be appropriately explained. (See Handbook.) If the licensee has no interest in filing an appeal, a plan and date for termination of care shall be agreed upon.

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40305 (Continued)

3. Additional Basis for Denial - BHC

- a. Applicant or his spouse has been convicted of a crime involving intentional bodily harm or any sex offense whether felony or misdemeanor.
- b. Applicant or his spouse has been convicted of a crime, except a minor traffic violation in which a fine of \$50 or less was imposed, and is not of such character as to justify issuance of a renewal license.

Unless the licensee elects to withdraw his renewal application, this discussion shall be confirmed in a letter sent by registered or certified mail which (a) states that the application is denied, (b) lists the reasons for denial in terms of the acts or conditions which constitute violation of the standards, (c) reviews the right of appeal and the legal time limit for filing an appeal, and (d) if pertinent, reminds the licensee of the established date for termination of care.

Any letter notifying the operator of a boarding home for aged persons that his renewal application will be denied must be mailed at least 30 days prior to the expiration of his current license. (See W&IC Sec. 16203)

4. Right of Appeal

On receipt of an appeal from a denial or modification of a renewal license, the accredited agency shall immediately notify the area office of the SDSW in writing, giving the name and address of the licensee and all pertinent information including licensing history, the basis for denial or modification of the license and a summary of the agency's efforts to correct the situation.

40307 REVOCATION OF LICENSE

Any of the causes for denial of a renewal application shall constitute cause for the revocation of license when discovered during the effective period of a license.

If the accredited agency determines that there is cause to revoke a license, it shall immediately notify the Area Office of the SDSW in writing. Such notification shall include the name and address of the licensee, the cause for revocation, the licensing history, a summary of the agency's effort to correct the situation and any other pertinent information.

Following revocation of license, the agency shall determine that the home is not caring for children or aged. (See Sec. 40267 .)

If the home continues to operate after revocation of license, the licensing agency (the SDSW for inspection agencies) shall refer the matter in writing to the district attorney.

40309 EXPIRATION WITHOUT REAPPLICATION

If application for a renewal license is not received prior to expiration of the previous license, the case shall not be closed until it is known that there are no children or aged persons living in the home.

If foster children or aged guests are in the home, the provisions of the law relating to operation without a license shall be called to the attention of the former licensee and opportunity given to file an application. If an application is not filed or care discontinued, the situation shall be referred to the district attorney for action. (See Sec. 40267 .)

If a former licensee wishes to file an application, he shall be advised of the need to file a new application (BHA 10 or BHC 10.1) and provided with the appropriate form. (By law, the right to file a renewal application is terminated ten days prior to the expiration of the last license. (See W&IC Sec. 16008 and 16204))

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ARTICLE 5 STANDARDS FOR BOARDING HOMES FOR AGED

40321 GENERAL REQUIREMENTS

Boarding homes for the aged shall provide protective care and services in a homelike setting which is safe and comfortable, and which is conducive to the happiness and personal dignity of aged residents.

40323 SPECIAL REQUIREMENT - GROUP CARE HOMES

No home for seven to fifteen aged persons shall deny admission to an applicant on account of color, race, religion, ancestry or national origin. All such homes shall establish a written admission policy stating that equal treatment and access to services is provided on a nondiscriminatory basis.

Until July 1, 1965, licenses granted to any home failing to meet the department's standards pertaining to nondiscrimination shall be limited to authority to care for those persons under care at the time the finding of nonconformity is made, provided that such persons choose to remain in the home.

40325 HOUSEHOLD MEMBERS

Care of the aged is a service which shall be undertaken only by qualified persons in households in which other family interests are not in conflict with the welfare of the aged residents.

All members of the household shall be in good general health, and free from physical and mental defects or disabilities which would adversely affect the care of aged persons.

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40327 PERSONAL QUALIFICATIONS OF OWNER-MANAGER

All licensees shall have the ability and willingness to conform to applicable laws, rules and regulations, and shall possess the following qualifications:

1. Physical Health

Good general health and of such age as to be capable of performing physical housekeeping tasks and of giving personal services to the aged or of directing the work of household assistants.

Each applicant for a license shall furnish a physician's report giving an evaluation of his general health and ability to care for aged persons. Such a physician's report shall be furnished by each licensee at least every two years.

A report of an examination for the detection of active communicable tuberculosis shall be furnished by each applicant for a license and, annually, by each licensee.

Exception: The requirements for a general health examination and an examination for tuberculosis are waived for homes where the licensee and household assistants are members of a religious faith relying upon spiritual means of healing, provided that the home limits the persons cared for to members of the same religious faith.

2. Character and Temperament

(a) Good character and a reputation of personal integrity.

(b) Willingness and temperamental capacity for respecting and enjoying older people, and for working with and understanding persons under care.

(c) Capable of according equal treatment to residents, without distinction on account of color, race, religion, ancestry or national origin.

3. Education and Experience

A background of education, training or experience which assures the ability, to provide care for aged persons, to keep financial and other records and, when applicable, to direct the work of others.

4. Special Training

Interest in and willingness to participate in activities which increase their skill and understanding of care of aged persons.

Satisfactory references covering the personal qualifications listed above shall be furnished by each new applicant for a license.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

40329 PERSONAL QUALIFICATIONS OF EMPLOYED MANAGER

For purposes of these regulations, the term, "employed manager," means an employee who is regularly responsible for the daily operation of the home in the absence of the licensee. The term manager includes the owner-manager and the employed manager.

The employed manager shall meet the requirements of 40327 for owner-manager.

40331 EMPLOYED STAFF OR HOUSEHOLD ASSISTANTS

There shall be a sufficient number of qualified persons, staff or other adult members of the household, to provide for the welfare and safety of residents at all times of the day or night.

40333 NUMBER OF ASSISTANTS

Enough staff shall be available to assure that the following services are performed.

1. Personal care and supervision as needed, in accordance with the physical and mental condition of aged residents.
2. Housekeeping routines necessary for (a) maintenance of acceptable housekeeping standards (40381), and (b) the preparation and serving of meals (40369 - 40373).
3. Provision of opportunities for frequent social, recreational, religious and other activities of residents and for community contacts and assistance in communicating with relatives and friends.
4. Responsible handling of emergencies in the absence of the licensee or manager.
5. The evacuation or relocation of residents in event of disaster and the care for persons who are removed. (40383)

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40335 QUALIFICATIONS OF ASSISTANTS

1. General

All members of the staff shall be in good health, and free of mental and physical defects or disabilities which would interfere with the performance of assigned duties. Each new employee shall be required to furnish a physician's report of a recent physical examination, giving an evaluation of his ability to perform the duties required by the home. Each household assistant shall be required to furnish such a report at least every two years.

An examination for the detection of tuberculosis shall be required of each new employee and, annually, of each household assistant.

Exception: The requirements for a general health examination and an examination for tuberculosis are waived for homes where the licensee and household assistants are members of a religious faith relying upon spiritual means of healing, provided that the home limits the persons cared for to members of the same religious faith.

2. Personal Care

All persons responsible for personal services to aged residents shall be (1) of good character (2) mentally competent, (3) emotionally stable (4) have a genuine liking for older persons, and shall have personal warmth and the ability to get along with people.

40337 DAILY SUPERVISION.

The licensee or other capable person shall be on the premises at all times and be within call of the residents.

No mentally retarded person, mentally ill or mentally confused person shall be placed in charge during any absence of the manager or be assigned to night supervision.

Substitute for the Manager

The substitute in charge during the absence of the manager shall meet the requirements for the night supervisor (40339) whenever:

- a. The home cares for persons who, because of physical or mental inability to leave the building unassisted, may be housed only with the special fire safety clearance for "nonambulatory persons."
- b. There are persons in care who require special supervision because of mental retardation, mental confusion, disorientation or general debility.
- c. The manager is absent frequently or during a period of several hours.

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40339 NIGHT SUPERVISION

In each home, there shall be a night supervisor on the premises and on call, or on duty, to handle emergencies which may occur during normal sleeping hours.

The night supervisor must have:

1. The qualifications of assistants listed in 40335 (General and Personal Care), and
2. The ability to recognize early signs of illness; and
3. The mental and physical capacity for responsible action in event of an emergency.

In homes for seven or more persons, there must be one or more additional persons on call to assist in caring for residents in the event of an emergency or a disaster.

40341 REPORTS OF ADMINISTRATIVE PERSONNEL

The name of the employed manager, if any, the substitute for the manager and the night supervisor shall be reported to the licensing agency prior to the granting of the license. Any changes in such personnel shall be reported within forty-eight hours.

40343 FINANCES

Every home shall have a financial plan which guarantees sufficient resources to meet operating cost at all times, and to maintain standards required by these regulations.

40345 ADMISSION AGREEMENTS

All homes shall have a written admission agreement with each resident. Such agreements shall be completed prior to or at time of admission, and shall be dated and signed by the licensee and by the applicant for admission, or by a relative or agency assuming financial responsibility.

Each admission agreement shall include:

1. Regular rate of payment agreed upon (per day, week or month) and a clear statement as to whether payment will be made in advance or after care has been given.
2. Dates upon which payments are to be made (day of week or month).
3. Services to be provided for the regular payment.
4. Services for which extra charges will be made.
5. Conditions under which any advance payments for care will be refunded.

The admission agreement of each home for seven to fifteen persons shall also include notice that services are accorded without discrimination on account of race, color, religion, ancestry, or national origin.

A copy of the agreement shall be provided to the resident and to any relative or agency responsible for payments.

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40347 PROPERTY OF RESIDENTS

Every home shall take appropriate measures to safeguard and account for personal articles of residents which are brought to the home, and any cash resources entrusted to the care and/or control of the licensee.

40349 HANDLING MONEY OF AGED PERSONS

Safe storage of and assistance in managing cash resources of residents, for use in meeting their personal incidental expenses, is an appropriate service which shall be provided by homes as needed.

Separate bookkeeping accounts shall be maintained for each individual whose money is handled by the home. Such accounts shall include:

- a. The date and amount of any money received, other than, or in addition to, the regular monthly charges shown on the admission agreement (40345).
- b. The date and amount of each disbursement by the licensee or withdrawal by the resident.
- c. Every item for which the home made a disbursement.
- d. Current balance.

No home shall handle as much as \$25.00 per individual or as much as \$500 for all residents, regardless of the individual amounts, in any month unless it has met the requirement of W&I Code 16213.

40351 AMOUNT OF BONDS REQUIRED

The SDSW requires that every home which handles \$25.00 or more per individual or \$500.00 or more for all residents in any month shall post a bond in an amount determined as follows:

Average Amount Handled	Bond Required
Less than \$750	\$ 1,000
\$751 to \$1,500	\$ 2,000
\$1,501 to \$2,500	\$ 3,000

and for every further increment of \$1,000 or fraction thereof, an additional \$1,000 on the bond.

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40353 PERSONS FOR WHOM CARE MAY BE GIVEN - SERVICES

The owner shall restrict admission and care to aged persons for whom fire safety exists and who do not require professional nursing service from the home because of a physical or mental condition.

Mentally handicapped persons with mild symptoms, such as confusion, loss of memory or disorientation may be admitted if (1) the home is equipped to provide the degree of personal care and supervision required, (2) such persons do not require professional nursing services, and (3) they will benefit from the services offered. (See 40357 Persons for whom care may not be given.)

40355 AGE

The admission of persons who are not aged shall be limited to those whose needs and interests do not conflict with those of aged residents and those who can benefit from services appropriate for aged persons. Any non aged person admitted shall meet all requirements for admission of aged persons.

40357 PERSONS FOR WHOM CARE MAY NOT BE GIVEN

Persons who may not be admitted or cared for include:

1. Persons who need health services from the home that it cannot legally provide.
2. Persons with active communicable tuberculosis (or any other contagious or infectious disease).
3. Persons who because of convalescence or a chronic health condition, require professional nursing care including close medical supervision, daily professional observation or the exercise of professional judgment from the home.
4. Persons physically incapable of leaving the building without assistance in an emergency unless the building has been approved by the appropriate fire official for this type of occupancy.
5. Persons requiring any kind of restraint or confinement in locked quarters for their own protection, or that of others.
6. Persons subject to attacks of epilepsy which is not medically controlled.
7. Persons who require treatment for addiction to alcohol or drugs, who require treatment or special care for mental illness or mental deficiency.
8. Persons mentally incapable of leaving the building unassisted, unless the building has been approved by the appropriate fire official for such occupancy.
9. Non aged persons whose needs and interests are incompatible with the welfare of aged persons.

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40359

LIMITATIONS ON CARE OF THE MENTALLY HANDICAPPED

No home shall accept mentally handicapped persons, including those who are senile or confused, unless it is staffed and equipped to provide the special care needed by such persons. Requirements for homes which undertake to care for mentally handicapped persons include:

1. An attendant shall be available at all times to care for residents in need of assistance or those who may wander from the home.
2. Mentally handicapped and senile aged persons shall be treated with courtesy, respect and personal consideration.
3. Gardens or yards enclosed for safety shall be roomy, pleasant and comfortable, and appropriately equipped for outdoor use.

No form of restraint shall be used in caring for any person. The use of any appliance to confine a resident to a bed or chair or to deprive him of the use of arms, hands, or feet is prohibited. No resident shall be locked into his bedroom by day or night, and windows shall not be barred or closed by any screen heavier than ordinary fly screening.

40361

HEALTH EXAMINATIONS FOR NEW RESIDENTS

Each boarding home shall require prior to admission or final acceptance, a health examination for each aged person.

This health examination shall include:

1. A written report of a recent examination from the examining physician. (Form BHA 52 is available for this purpose.)

If the aged person has been under a physician's care, this report shall be obtained from the person's own physician.

If the aged person has been referred by a hospital or nursing home, a report shall be obtained from the attending physician or social service department.

If the person has not been under a physician's care, he shall be requested to obtain from a physician of his choice an examination and evaluation of his health status.

2. An examination to determine that the applicant is free from active communicable tuberculosis (or other contagious or infectious disease). (See 40357-2)

Exception:

The physician's examination and chest X-ray may be waived for persons belonging to a faith relying on prayer or other spiritual means of healing, provided all other indications are that the person meets the admission requirements in Regulation 40357.

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40363 CONTINUING CARE AND SUPERVISION

The manager of each boarding home shall provide the supervision and personal care necessary to safeguard the health and well being of residents at all times. When there are changes in the physical or mental condition of any resident which require additional services which the home is unable to provide or which may not legally be given, the resident shall be removed from the home.

40365 CARE DURING EMERGENCY OR ILLNESS

A physician shall be called at the onset of an illness or in case of accident or injury to an aged resident. Bedside care shall be provided only for conditions determined by a physician to be temporary and minor.

Residents who require prolonged nursing care or daily professional observation shall be removed from the home.

40367 ASSISTANCE WITH MEDICATION

Assistance with medication shall be limited to remedies usually prescribed for self-administration by the residents' physician. Drugs and medicines shall be made available only to the person for whom it has been prescribed.

40369 NUTRITION AND FOOD SERVICES

Three nutritionally well-balanced meals shall be served daily at appropriate times, morning, noon and evening in a manner which is attractive and inviting.

Timing of Meals

Not less than 10 hours shall elapse between the first and the last meal of the day. If the evening meal is served before 5:30 p.m., an evening snack shall be provided.

40371 NUTRITION

Meals shall include sufficient quantity and variety of foods to be satisfying. Meals shall meet recommended dietary allowances of the National Research Council, Food and Nutrition Board. Whichever meal is the lighter served at noon or evening, shall contain at least one hot food.

40373 MEAL SERVICE

Meals shall be served in a central dining area and residents encouraged to eat with other persons. Tray service shall be provided to those persons who have temporary or minor illnesses.

Table coverings, dishes and utensils shall be used which make the serving of food attractive and inviting.

40375 SOCIAL, RECREATIONAL AND RELIGIOUS ACTIVITIES

Boarding homes shall make provisions for social, recreational and religious activities in accordance with the interests and abilities of aged residents.

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40377 SOCIAL AND RECREATIONAL ACTIVITIES

Aged residents shall be encouraged to join with other members of the household in various leisure-time activities which are part of normal family life.

Residents shall be encouraged and assisted to engage in community activities.

Visits by relatives and friends of residents shall be encouraged.

40379 RELIGIOUS ACTIVITIES

Every resident shall have the freedom of attending the church of his choice. No resident shall be deprived of the right to have visits from the minister, priest, or rabbi of his choice.

Attendance at religious services held in the home shall be on a completely voluntary basis.

40381 HOUSEKEEPING STANDARDS

Housekeeping shall meet an acceptable standard of cleanliness, orderliness, fresh air in rooms, and absence of offensive odors.

Bath and toilet rooms must be kept clean and free from odor.

Floors must be painted or otherwise rendered nonabsorbent.

All furnishings and equipment shall be maintained in a good state of upkeep and repair.

40383 DISASTER AND MASS CASUALTY PLAN

All licensed homes for the aged shall have a disaster and mass casualty plan of action, in the event of a disaster occurring within the facility, of local disaster occurring in the community, or of state of extreme emergency. Such plan shall be in writing and shall include:

1. Designation of administrative authority and staff assignments.
2. Plan for evacuation or relocation of residents, including
 - a. means of egress
 - b. transportation of residents, when necessary
 - c. supervision of residents after evacuation or relocation
 - d. means for contacting local service agencies, i.e., fire department, civil defense and other disaster authorities of local government
3. Plan for reception of nonresident persons dislocated by disaster and emergencies occurring outside the facility.

All personnel shall be instructed in their duties. Staff instruction shall include practice sessions at regular intervals. New employees shall be informed immediately of their duties, as required in this plan.

The disaster plan shall be conspicuously posted, and kept up to date, and shall be subject to annual review by the appropriate fire safety and civil defense officials.

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40385 BUILDINGS, GROUNDS AND EQUIPMENT.

1. The homes shall be so located that residents may participate in the religious, social and recreational life of the community.
2. There shall be yard space which is easily accessible and protected from traffic. An enclosed garden shall not appear to be a pen or a prison.

40387 GENERAL BUILDING REQUIREMENTS

1. Buildings shall conform to all applicable state laws and regulations on fire safety, housing and sanitation.
2. Buildings used by aged persons shall be safe and suitable for the purpose for which they are intended and shall be maintained in a good state of repair.
3. Sufficient room shall be available to accommodate occupants of the home in comfort and safety
4. All rooms shall be well lighted, heated and ventilated.

40389 MAJOR ALTERATIONS TO BUILDINGS OR NEW CONSTRUCTION

Plans for additions or major alterations to buildings or new construction to be used for housing or other services for aged residents shall be discussed with the licensing agency. Before construction is started, assurance shall be obtained that the proposed additions and/or alterations conform with regulations 40385 to 40407.

40391 SAFETY REQUIREMENTS

Each home and surrounding yard or garden must be free of life or health hazards.

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F.C. LICENSING ADMINISTRATIVE REGULATION
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40393

GENERAL SAFETY PRECAUTIONS

Care shall be taken to guard residents from injury due to slippery rugs or floors, unguarded stairs, improperly guarded heaters, etc.

1. Stairways, inclines, ramps, open porches shall have hand railings and must be well lighted.
2. Night lights shall be maintained in hallways and nonprivate bathrooms.
3. All outdoor and indoor passageways and stairways shall be kept free of obstruction.
4. Special care shall be provided for the safety and guidance of the blind.
5. The master key to all rooms which may be locked by residents on the inside shall be kept where it is available to the operator and assistants in an emergency.
6. Elevators shall be provided in buildings of more than two stories.

40395

HEATING EQUIPMENT

Heating equipment used to provide warmth required by aged persons shall be safe.

Gas and other fuel-fired heaters shall be vented and shall be installed and maintained in accordance with "The Regulations of the State Fire Marshal."

Fireplaces and open-faced heaters must have screens.

40397

FIRE SAFETY STANDARDS

All buildings and premises used as homes for the aged shall be maintained in conformity with the fire safety laws of the State and the regulations of the State Fire Marshal.

Buildings used for housing persons unable to leave the building quickly, in event of an emergency, without assistance of any kind, must conform with fire safety requirements of the State Fire Marshal for occupancy by "non-ambulatory" persons.

Denial of a fire safety clearance is cause for denial of an application or for revocation of a license.

A. Initial and Annual Fire Clearances

Fire clearances are routinely required before initial licensing and before annual renewal of every license.

B. Additional Fire Clearances

In addition to routine clearances, a fire safety inspection shall be requested when:

1. New construction or major alteration of buildings has been completed.
2. The licensee requests a change in the terms of license that may affect fire safety.
3. The licensing agency doubts that fire safety exists.

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40399 KITCHEN

The kitchen shall be conveniently located for the preparation and serving of meals at proper temperatures.

Provision shall be made for the refrigeration of perishable food and the proper storage of other supplies and for (1) the sanitary preparation and serving of meals, washing of dishes and cooking utensils; and (2) for the sanitary disposal of garbage.

There shall not be a communicating door between the toilet and a room in which food is stored or prepared.

The kitchen shall not be used, regularly, as a passageway to a bedroom, bath or toilet, nor as a sleeping room at any time.

40401 ROOMS USED BY RESIDENTS - LIVING ROOM

Every home shall have a living room area for the use of residents. Sufficient space shall be provided for residents to assemble for social or other group activities.

The living area shall be comfortably and attractively furnished and available to all residents for relaxation and leisure time occupations.

The living room shall not be used regularly as a bedroom for any member of the household or for a resident.

40403 DINING ROOM

Every home shall have a dining area suitably furnished for group meal service. The dining area shall be large enough to allow comfortable seating arrangements for the persons who regularly are served meals in the home.

The room in which the dining area is located shall not be used regularly as a bedroom by any member of the household or for a resident.

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40405 SLEEPING ACCOMODATIONS

Homes shall provide bedrooms suitably furnished and sufficient in number and size to accommodate the residents of the home. Bedrooms in buildings newly licensed after the effective date of this regulation shall not be used for occupancy by more than two aged persons.

A. Location of Bedrooms

No unfinished attic, stairway, hall or room commonly used for other purposes shall be used as a sleeping room for any aged resident.

No bedroom shall be used as a passageway to another room, bath or toilet.

Bedrooms located above the first floor shall be restricted to occupancy by persons who can climb stairs easily.

Bedrooms in detached buildings shall be restricted to occupancy by persons who are mentally and physically active.

B. Furnishings

Individual beds shall be provided for each resident except married couples.

Each bed shall be furnished with good springs, a clean comfortable mattress and adequate, light, warm bedding.

Closets and drawer space shall be provided for the clothing and for the personal belongings of the residents.

C. Size of Bedrooms

Bedrooms shall be large enough for the placement of needed furniture and to allow for easy passage between beds and other items of furniture.

Private bedrooms shall have a minimum of 100 square feet of superficial floor area per person. Bedrooms for two or more persons shall have a minimum of 70 square feet of superficial floor area per person.

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40407

BATH AND TOILET FACILITIES

Bathrooms and toilets shall be sufficient in number and conveniently located.

Ratio:

In buildings newly licensed, and in buildings licensed for an increased capacity, after the effective date of this regulation, the ratio of bath and toilet facilities to occupants shall be:

1. At least one bathtub and/or shower for each ten household members (i.e., persons in care, family, and resident assistants).
2. At least one toilet and washbowl for each four household members and day staff personnel.

40409

LIMITATIONS OF LICENSE

The number and condition of persons accepted for care shall be limited to the capacity and other terms of the license.

Housing of persons who require assistance in leaving the building shall be limited to bedrooms identified on the license as approved for such occupancy.

(40397)

40411

ADVERTISING

No boarding home shall advertise or publish information representing that it is authorized to provide professional nursing service or to care for the mentally ill. Homes using names which are misleading to the public by indicating that unauthorized services are provided shall discontinue the use of such names.

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ARTICLE 6 STANDARDS FOR BOARDING HOMES FOR CHILDREN

40451 SERVICE TO BE PROVIDED - GENERAL REQUIREMENTS

Foster parents shall provide protection, care and guidance of children in a safe, comfortable home setting. Day care, 24-hour care or parent-child care may be provided.

40453 FAMILY COMPOSITION

The presence of both a foster father and foster mother are considered necessary. This requirement may be waived under certain circumstances by the licensing agency.

40455 PERSONAL QUALIFICATIONS

Both the foster mother and foster father must be of suitable age, education and temperament to care for children and actively interested in their development.

If either foster parent has been convicted of a crime, personal fitness shall be based on factual verification of rehabilitation. A license shall not be issued when either foster parent has been convicted of a felony involving intentional bodily harm or of any sex offense.

40457 HOME LIFE

The home life of the foster family shall be sufficiently harmonious to provide emotional security for foster children.

Each member of the foster family shall be willing to accept the foster child as a member of the family group.

40459 PHYSICAL AND MENTAL HEALTH

All members of the foster family, the household or employees, shall be in good health, both physically and mentally and free from defects or disabilities which would adversely affect the care of children.

The foster mother must be able to carry out the extra responsibility of a foster child without jeopardizing the development of the child, her own health or the care of her family.

40461 REFERENCES

Foster parents must furnish satisfactory references.

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40463 EMPLOYMENT OF FOSTER MOTHER

The foster mother shall not accept employment outside her own home which would affect adversely the care given a foster child.

40465 FAMILY INCOME

In 24-hour care, the income of the foster family from employment or other resources, shall be reasonably steady and sufficient to maintain an adequate standard of living for the family, as far as essential needs are concerned.

40467 CARE AND GUIDANCE OF CHILDREN

Foster families shall provide good physical care and help each child to grow and develop physically, mentally, emotionally, and spiritually at his own pace.

40469 SUPERVISION OF CHILDREN

1. Foster parents must provide for adequate supervision of the children during their absence.
2. When there is an unusual absence, the foster mother shall notify immediately and if possible in advance, the agency or person responsible for the placement of the child or the licensing agency, if the person responsible cannot be located.
3. During the night and during rest periods, children must be under close supervision and within call of an adult.

40471 DISCIPLINE OF CHILDREN

Discipline must be fair, reasonable and consistent and must be related to the offense.

1. Corporal punishment is not permitted, even though the child's parents may have given consent.
2. Punishment connected with functions of living such as sleeping or eating shall not be used.

40473 HOME DUTIES OF CHILDREN

Children shall be required to perform only simple home duties which do not interfere with school, health, or necessary recreation.

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40475 RELIGIOUS TRAINING OF CHILDREN

1. The foster parents must respect the child's religious beliefs and observe religious holidays, diet, etc.
2. Each child shall be given opportunity to attend religious services and activities of his faith or that of his parents. If this is not possible, the religious training offered must be approved by the child's parents or by the person responsible for placement.

40477 SOCIAL AND RECREATIONAL ACTIVITIES OF CHILDREN

The foster parents shall make it possible for each child to participate in the social and recreational life of the community.

40479 FOOD AND HEALTH

Meals must be served regularly and the diet shall be nutritionally well balanced, adequate and suitable for the age of each child. Formulae for infants must be prescribed by a physician and followed carefully.

40481 MILK

Milk shall be from a source tested and found free from tuberculosis and undulant fever and shall be home pasteurized, if other than commercially pasturized milk is used.

40483 HOME CANNED FOODS

All home canned foods shall be processed in accordance with acceptable procedures for canning of food.

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40485 ISOLATION IN CASE OF ILLNESS

When a child shows signs of illness he shall be separated from other children, and the nature of the illness determined as quickly as possible. If it is a communicable disease, he shall remain in isolation until he is over the infectious stage.

40487 NOTIFICATION IN CASE OF ILLNESS OF A CHILD

Illness of a child shall be reported at once to the person or agency responsible for his care.

40489 PERSONAL HYGIENE

Training in personal hygiene and cleanliness shall be given and each child must have his own comb, toothbrush, towel, washcloth and other necessary toilet articles.

40491 BUILDINGS, GROUNDS AND EQUIPMENT - COMPLIANCE WITH STATE LAWS AND REGULATIONS

Foster homes shall conform to state laws and regulations governing housing sanitation and fire safety.

40493 LOCATION

1. Foster homes in commercial or industrial districts will be approved only if there are adequate safeguards against traffic and other hazards.
2. Homes in rural areas must be in a district where schools and medical care are reasonably accessible; where children can associate with other children and participate in community activities.

40495 GROUNDS

1. Foster homes shall have sufficient yard space for a home playground.
2. If the yard is not enclosed, toddlers shall be supervised at all times.

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40497 SPACE AND FURNISHINGS

1. Foster homes shall have sufficient space to accomodate children in a comfortable and sanitary way.
2. Rooms must be comfortably furnished.
3. Provision must be made for adequate care of children's clothing and personal belongings
4. Care and protection of food must be adequate.

40499 SAFETY REQUIREMENTS

Each foster home must be free from life or health hazards.

1. Fireplaces and open-faced heaters shall be protected by screens, and gas heaters must be vented and installed with permanent connections and protectors.
2. Children shall be protected from home accidents which might result from unguarded stairs, fish ponds, swimming pools, etc.
3. Pads shall be placed under small rugs to prevent slipping.
4. Electrical appliances must be kept in good order.
5. Disinfectants, cleaning solution and poisons shall be stored where children do not have access to them.
6. Brooms, mops and boxes for children's toys must be adequately stored when not in use.

40501 HOUSEKEEPING STANDARDS

Foster homes shall be clean, reasonably orderly and shall have a home-like atmosphere.

40503 SLEEPING ACCOMMODATIONS

No foster child shall sleep in a detached building, unfinished attic, basement, stairhall, or room commonly used for other than bedroom purposes, and an own child shall not be displaced and made to occupy such sleeping quarters because of the presence of a foster child.

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(Pursuant to Government Code Section 11380.1)

40505 BEDROOMS

Bedrooms shall provide privacy, be adequately ventilated and located within call of an adult.

1. Size

A bedroom occupied by one child shall have 630 cubic feet of air space and 16 square feet of window space; a bedroom for two shall have 810 cubic feet of air space and window space equal to one-eighth of the floor area, but not less than 16 square feet. In a bedroom for three or more, there shall be an additional 500 cubic feet per person.

2. Sharing

Children of opposite sex over five years of age shall not share a bedroom, and children over one year of age shall not sleep in the same room with an adult.

40507 BEDS - 24-HOUR CARE

Children shall have individual beds which shall be three feet or more apart. Each bed shall have a good spring, a clean comfortable mattress and adequate bedding. For infants and bed wetters, rubber sheeting or a satisfactory substitute shall be provided.

1. Double Beds

Two brothers or two sisters of suitable age are permitted to occupy a double bed only for a temporary period under emergency conditions when special permission is given by the licensing agency.

2. Bunk Beds

Bunk beds with more than two tiers shall not be used.

Two-tier bunk beds shall be allowed only when:

- a. Children under eight years of age do not occupy the upper bunk, and
- b. Beds are constructed to offer comfort, sanitation and convenience, and
- c. There is sufficient ventilation.

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40509 SPECIAL REQUIREMENTS FOR DAY CARE

Individual cots or beds shall be provided for rest periods and shall be at least three feet apart. Beds used by members of the household shall not be used by children for rest periods except when:

1. Special permission is given by the licensing agency, and
2. Clean covers are placed over the full length and width of the beds.

40511 SPECIAL FOSTER HOMES - NONDISCRIMINATION REQUIREMENT

1. Each special home whether for 24-hour care or day care must establish admission criteria designed to guide in the selection of children who can benefit most from the services it has to offer, but admission policies and services shall be nondiscriminatory. Such criteria shall not include factors of race, color, religion, national origin or ancestry. No child otherwise eligible shall be excluded or denied admission on the basis of such factors.
2. Each special home shall state its admission criteria in writing and make such criteria available to the public. Admission policies shall contain a notice to all applicants that the home operates on an integrated basis without discrimination.

Until July 1, 1965 licenses granted to any special foster home failing to meet the department's standards pertaining to nondiscrimination shall be limited to authority to care for those children under care at the time the finding of nonconformity is made.

40513 FOSTER HOMES WITH EXPANDED SUMMER PROGRAM

1. Planned activities shall be provided for the children during the summer and the foster mother shall have adequate assistance for care of the children and housekeeping activities.
2. Boating and swimming activities must be supervised by a person trained in American Red Cross life saving course or the equivalent.
3. An expanded summer program shall not be allowed to affect adversely the adequacy of care for children accepted for year round care.

40515 ADVERTISING

Foster parents shall not advertise care for children until a license has been granted.

40517 LIMITATIONS OF FOSTER CARE LICENSE

Foster parents must keep within the limits of the license which specifies the number, sex, age of the children, type of care and other limitations.

40519 LIMITATIONS ON TYPE OF CARE

Foster parents shall provide only one type of care; that is, either 24-hour care, day care or parent-child care. There must not be care of aged persons, adult roomers or boarders, parents in residence with their children, in addition to the type of child care specified by the license. Exceptions to this rule will be made by the licensing agency only in unusual circumstances.

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40521 LIMITATION ON NUMBER OF CHILDREN

1. The number of children in the home under 16 years of age, including the children of the foster family, shall not exceed 6, except with special approval of the licensing agency.
2. Licenses for day care and 24-hour care will be issued for more than 6 children only when housing is adequate and the foster mother unusually capable. Under no circumstances will the license authorize the care of more than 15 children for 24-hour care, 10 for day care, and 6 for parent-child care.

40523 LIMITATION ON NUMBER OF INFANTS

The number of infants under 2 years of age, including infants of the foster family must be strictly limited.

1. More than 2 infants or other children in addition to the infants, shall be permitted only if there is regular and adequate assistance with either the care of the children or with household duties.
2. No more than 4 infants shall be permitted except under unusual circumstances and with special approval of the licensing agency.

40525 AGE AND SEX

The age and sex of the children the foster parents are permitted to accept is determined by the type of sleeping quarters available, capabilities of foster parents and other conditions affecting the safety and welfare of the children.

40527 MENTALLY RETARDED CHILDREN

Foster homes shall not accept children who are mentally retarded unless the licensing agency gives written permission for the care of a particular child. Such permission will only be given when all of the following conditions are met:

1. The foster home can meet the individual needs of this child.
2. His presence will have no adverse effect on any other children in the home.
3. There is no substantial difference between the kind and amount of care needed by the mentally retarded child, and that needed by children of normal mentality.
4. The foster parents intend to care for children of normal mentality when this child is removed from their home.

Foster homes which plan to care for mentally retarded children only are subject to license by the State Department of Mental Hygiene.

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CHAPTER 7 INSTITUTIONS FOR AGING PERSONS
SUB-CHAPTER 1 LICENSING APPLICATION REQUIREMENTS
ARTICLE 1 APPLICATION PROCEDURE CONFORMITY -- ADVERTISING -- REPORTS

42001 RECEPTION AND CARE OF AGED PERSONS

Persons, corporations, or associations are subject to license as a home for the aged if they solicit and/or receive aged persons into a physical setting with the intention or practice of assuming for them responsibilities which go beyond that customarily associated with a landlord-tenant relationship. In determining the need for a license, the intention, obligations, or practices which shall be construed as indications or evidence of a need for a license, include the following:

1. Identification of the establishment and the service offered by any name, description or advertisement which implies a service to aged people other than that of housing, a place serving food to the public, a nursing or convalescent home, or a psychiatric care facility.
2. Implied or actual assumption of responsibility for general oversight and, as needed, personal care to aged persons, such as help with bathing, dressing, eating, care of clothing, mending, laundry, personal shopping, transportation, health supervision, assistance in maintaining social and recreational contacts, etc.

Any practice, intention or obligation which does not include all the services required in regulations governing the licensing of reception and care of the aged shall not, however, be presumed to excuse any person, corporation, or association from the need for a license.

42003 FILING OF APPLICATION

Application for license shall be filed by any person or organization planning to conduct an institution for aged persons as soon as definite plans for operation have been made and a location selected.

42005 CONFORMITY TO RULES AND REGULATIONS

Applicants for license and licensees shall conform to all applicable rules and regulations of the State Department of Social Welfare.

Institutions which demonstrate substantial conformity to these rules and regulations, but which fail to conform in every detail may be licensed only when the extent of deviation from the rules and regulations is small and when it is determined that licensing of the institution is in the best interests of the aged persons involved. Renewal of a license issued on the basis of substantial conformity is contingent upon correction of deviations according to an agreed upon plan and/or continued determination that the deviations are not hazardous to aged persons.

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42007 CONFORMITY TO TERMS OF THE LICENSE

Licensees shall conform to all terms and conditions of the license.

The following terms and conditions shall be shown on the license:

- (1) The number of fully ambulatory persons who may be accommodated.
- (2) The number of persons unable to leave the building unassisted who may be accommodated, if any, and identification of the space approved for occupancy by such "nonambulatory" persons.
- (3) Any other limitation essential to the safety and welfare of aged residents.

(42173 and 42175)

Violation of any of the terms or conditions of the license shall be cause for revocation.

42009 POSTING OF LICENSE

The license shall be posted in a conspicuous place in the institution.

42011 ADVERTISING

No institution for the aged shall advertise or publish information to the effect that hospital or nursing home service is being given, unless the home is also licensed by the State Department of Public Health, nor indicate that mentally ill patients are accepted for care without having a license from the State Department of Mental Hygiene.

Institutions which have been using names which are misleading to the general public by indicating that the above services are authorized when they are not, shall discontinue the use of such names within one year after the effective date of these rules and regulations.

42013 REPORTS TO THE SDSW

In addition to the reports required under W&IC Sec. 16208, all institutions for the aged shall file with the SDSW such reports as are required to determine initial and continuing eligibility to license.

Plans to move to a new location, to construct new buildings or remodel existing ones, to sell or lease the property to another person or organization shall be reported to the SDSW at the earliest possible time.

42015 REVOCATION OF LICENSE

No license will be revoked until the licensee has had a reasonable opportunity to achieve conformity with the regulations in this manual.

A license will be revoked by sending a registered letter bearing the designation "Notice of Revocation" to the licensee. This letter will (1) state that the license is being revoked; (2) list the specific acts or conditions which constitute lack of conformity with regulations and the dates or time span involved; (3) establish a date for termination of operation and (4) explain the right to file an appeal from this action within 30 days.

If an appeal is filed, further proceedings will be conducted in accordance with the Administrative Procedure Act.

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SUB-CHAPTER 2 ORGANIZATION AND MANAGEMENT
ARTICLE 1 ORGANIZATION AND ADMINISTRATION

42031 RESPONSIBILITY AND AUTHORITY - ALL LICENSEES

Each licensee shall be legally responsible for conducting the institution in conformity with applicable state laws and the regulations of the State Department of Social Welfare, and shall have full authority for the development and enforcement of policies and procedures which insure this performance.

42033 ORGANIZATION - ALL LICENSEES

1. A licensee may be an individual, partnership, joint venture, association or corporation.
2. The designation of responsibility shall be clearly defined in writing for the adoption of policies governing the operation of the home and for the administration necessary for the implementation of such policies.

42035 ORGANIZATION - CORPORATIONS AND ASSOCIATIONS

Each licensee which is a corporation or association shall be legally organized with an internal structure which provides for:

1. An appropriate governing authority:
 - 1.1 Responsible for the development and enforcement of operating policies, and
 - 1.2 Located as to be both familiar with, and accountable for, all aspects of the operation of the home and reasonably accessible to the licensing agency.
2. Appointment of a qualified director of the institution to whom responsibility and authority necessary for the execution of policies shall be delegated.
3. The maintenance of qualified membership on all boards and committees. (Handbook Section A1-123.40.)
4. A constitution, articles of incorporations, bylaws, or other appropriate legal documents which set forth the legal responsibility of the governing board and that of any subsidiary committees or bodies acting in an advisory capacity to the governing board.

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42037 BOARDS AND COMMITTEES - NONPROFIT CORPORATIONS AND ASSOCIATIONS

The membership of governing boards and advisory committees shall include representation of any groups or organizations which are identified as public sponsors of the home.

1. Each board shall be of a size to function efficiently.
2. Board members shall be elected for definite terms, with specific limitations of tenure of office.
3. Provision shall be made for scheduled elections.
4. Board members shall not profit by their membership on the board, nor be employed by the home.

42039 MEETINGS - BOARDS OF NONPROFIT CORPORATIONS AND ASSOCIATIONS

1. Meeting requirements
 - 1.1 The governing board of each nonprofit home shall hold regularly scheduled meetings often enough to transact necessary business.
 - 1.2 The director shall be included in all regular meetings of boards and committees at which matters concerning the institution are considered.
 - 1.3 The director may be excluded from those portions of the meeting which deal with the discussion of his performance, salary or other of his working conditions.

42041 DISASTER AND MASS CASUALTY PLAN - ALL INSTITUTIONS

All licensed homes for the aged shall have a disaster and mass casualty plan of action in the event of a disaster occurring within the facility, of local disaster occurring in the community, or of state of extreme emergency. Such plan shall be in writing and shall include:

1. Designation of administrative authority and staff assignments.
2. Plan for evacuation or relocation of residents, including
 - a. means of egress
 - b. transportation of residents, when necessary
 - c. supervision of residents after evacuation or relocation
 - d. means for contacting local service agencies, i.e., fire department, civil defense and other disaster authorities of local government.
3. Plan for reception of nonresident persons dislocated by disasters and emergencies occurring outside the facility.

All personnel shall be instructed in their duties. Staff instruction shall include practice sessions at regular intervals. New employees shall be informed immediately of their duties as required in this plan.

The disaster plan shall be conspicuously posted, kept up-to-date, and shall be subject to annual review by the appropriate fire safety and civil defense officials.

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ARTICLE 2. FINANCES

42061 FINANCIAL BASE - ALL INSTITUTIONS

Every institutions shall have a financial structure which will insure that adequate funds are available at all times to provide a satisfactory level of services to the aged persons accepted for care.

42063 FINANCIAL RESERVES

Resources for Annual Budget - All Institutions

Every institution shall have sufficient resources in the form of financial reserves, anticipated income, or guarantees by a responsible governing board, to meet the estimated operating costs for the year.

Cash - All Institutions

Cash or other liquid assets sufficient to meet current obligations shall be available at all times.

Liquid Reserves - New Institutions

New institutions which cannot demonstrate predicted income based on experience shall have available at the beginning of operation sufficient liquid reserves to cover estimated operating expenses for at least three months.

42065 REFUND POLICIES

Every institution shall establish a refund policy stating whether and under what conditions refunds of advance payments for care will be made to persons leaving the home.

Refund policies shall be in writing and shall be made known to residents and/or the person or agency assuming financial responsibility for the resident at the time of, or prior to, acceptance of fees, deposits or other payments.

42067 ADMISSION AGREEMENTS - ALL INSTITUTIONS

All financial arrangements with residents shall be in writing, in the form of individual agreements completed prior to or at the time of admission and signed by both a properly authorized representative of the institution and the resident (or a responsible relative or agency).

Each financial agreement, when completed, shall include the charges agreed upon, period to be covered, the services to be provided for the fee, the services for which additional charges will be made, the refund policy and the pertinent dates and signatures.

Every admission agreement shall include a statement that services are accorded to residents without discrimination because of race, color, religion, national origin or ancestry.

A copy of the financial agreement shall be made available to the resident and/or to a responsible relative or agency.

(See W&IC Sec.16307 for additional detail required in all life care agreements.)

42069 PROPERTY OF RESIDENTS - ALL HOMES

Every home is responsible for any property of residents which is brought to the home and which is entrusted to the care and/or control of the management or staff. Appropriate measure shall be taken to safeguard and account for such property, including personal effects.

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42071 HANDLING MONEY OF AGED PERSONS

A financial service consisting of having possession or control of any funds of an aged person for any purpose other than for payment of current services, except as provided in W&I Code Secs. 16300-16309 is considered to be handling money of aged persons.

Every home which provides this service shall maintain separate bookkeeping accounts for each individual whose funds are handled. Such accounts shall include:

- a. The date and amount of any money received, other than or in addition to the regular monthly charges shown on the admission agreement (42067).
- b. The date and amount of each disbursement by staff or withdrawal by the resident.
- c. Every item for which the staff made a disbursement.
- d. Current balance.

No home shall handle as much as \$25.00 per individual or as much as \$500 for all residents, regardless of the amounts per individual, in any month unless it has met the requirement of W&IC Section 16213.

42073 AMOUNT OF BONDS REQUIRED - ALL HOMES

The SDSW requires that every home which handles \$25.00 or more per individual or \$500 or more for all residents in any month shall provide a bond in an amount determined as follows:

<u>Amount handled</u>	<u>Bond required</u>
Less than \$750	\$1,000
\$751 to \$1,500	\$2,000
\$1,501 to \$2,500	\$3,000

and for every further increment of \$1,000 or fraction thereof, an additional \$1,000 on the bond.

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ARTICLE 3 PERSONNEL

42101 GENERAL REQUIREMENT

There shall be a sufficient number of qualified persons on the staff of the institution, including a responsible director, a responsible substitute for the director to be in charge in the director's absence, and staff for administrative, clerical, admission, referral, food service, housekeeping and maintenance functions and to give personal care, health supervision, and social services to meet the needs of the aged persons in residence and to carry responsibility for the daily operation of the institution.

42103 NIGHT SUPERVISION

Sufficient qualified staff shall be on duty or on call, and on the premises, to handle emergencies which may arise during normal sleeping hours of residents.

In each institution there shall be a night supervisor, on the premises and on duty or on call, with qualifications at least equivalent to the qualifications for "Substitute for the Director," specified in Section 42121.

A minimum of one person (night supervisor or night attendant) shall be on duty in each aged institution in which there are sixteen or more residents and in that portion of a dual licensed facility which is licensed by the SDSW for the care of sixteen or more aged persons. Additional persons shall be on call to assist in caring for residents in event of emergency or disaster.

Staff on night duty or on call shall be accessible to the residents. The night duty station shall be connected with the signal system.

42105 RESIDENTS' WORK

Residents shall not be expected to carry any major housekeeping or service responsibilities.

42107 RELIEF STAFF

Provision shall be made for coverage of all daily operating functions during time-off, vacation and other absences of regular staff.

42109 STAFF FOR HEALTH SUPERVISION

There shall be a consulting physician, licensed to practice medicine and surgery in California, on the staff or on call.

In addition to the consulting physician, there shall be at least one regular full-time staff member qualified by training and/or experience to provide the daily health supervision required by the residents. (See Sec. 42281)

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42111 PERSONAL QUALIFICATIONS - ALL STAFF

All persons on the staff of the institution who have any direct contact with the aged persons under care shall be of good character and suitable temperament for work with aged persons. All such personnel shall have emotional stability, personal warmth, a genuine liking for older persons and an ability to get along with people.

All members of the staff shall be in good general health, free of defects and disabilities which would interfere with adequate performance of the assigned duties. (See Sec. 42139)

All members of the staff shall be courteous in their treatment of the aged residents of the home.

42113 QUALIFICATIONS OF DIRECTOR

a. Personal

The director shall be a person of good character and reputation and of personal integrity.

The director shall have qualities of warmth and kindness; an interest in and ability to work with people; an understanding and acceptance of human behavior, a basic respect for the dignity of each individual aged person and ability to learn from experience.

b. Education and Experience

The director shall be qualified by education and/or experience for the responsibilities he is required to carry.

While the specific pattern of education and experience will vary, depending on the size of the institution and the services offered, all directors shall have the following qualifications:

1. Successful experience in a responsible managerial, administrative or supervisory position.
2. Education, training and/or experience leading to knowledge of the following: personnel supervision, planning and organization of work, financial planning and budgeting.

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42115 SPECIAL REQUIREMENTS - DIRECTORS OF SMALL INSTITUTIONS

The director who has responsibility for direct supervision of all aspects of daily life in the institution shall have a background of experience and/or training leading to knowledge of the following:

- a. Principles of good nutrition.
- b. Kitchen management and quantity cooking.
- c. Good housekeeping and sanitation.
- d. How to provide personal assistance and care (practical nursing).

Ability to recognize early signs of illness. Ability to help aged persons with ordinary emotional and relationship problems and to recognize the need for more skilled professional help.

42117 SPECIAL REQUIREMENTS - DIRECTORS OF LARGE INSTITUTIONS

The director of a large institution (serving 50 or more aged persons) shall have:

- a. General knowledge of the operation of all functions and services of the home.
- b. The ability to select qualified persons to carry direct responsibility for the major operating functions, to delegate appropriate responsibility and authority to these persons and to give general administrative supervision.
- c. A background of education and experience in one of the professional disciplines concerned with service to people, such as social work, hospital administration, nursing or medicine.

42119 QUALIFICATIONS OF ASSISTANT DIRECTOR

The assistant director shall have an intimate knowledge of the daily operation of the home, an acceptance and understanding of the philosophy and policies of the home and an ability to work harmoniously with the director and staff.

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42121 SPECIAL REQUIREMENTS - SUBSTITUTE FOR THE DIRECTOR

The person in charge during the absence of the director, or of both the director and the assistant director, shall be deemed to be acting as a substitute for the director and shall have:

1. The qualifications for staff for personal care (42125)
2. The ability to recognize early signs of illness
3. The mental and physical capacity for decisive action in event of emergency or disaster.

42123 FOOD SERVICE, HOUSEKEEPING, MEDICAL CARE AND NURSING STAFF

Satisfactory prior work experience in the particular type of job assigned shall be required of all food service, housekeeping, personal care and nursing staff to be assigned primary responsibility for a particular function.

Inexperienced and untrained workers shall be employed only for work under close supervision of a qualified staff member.

42125 PERSONAL CARE

All staff whose job assignments include direct personal care of the residents shall have at least practical nursing experience or training. They shall have particular qualities of kindness, gentleness and genuine liking for the aged.

42127 HEALTH SUPERVISION STAFF

The person responsible for the daily health supervision of the residents shall be a registered nurse or a practical nurse with satisfactory experience in care of aged persons.

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42129 STAFF FOR ADMISSIONS, SOCIAL SERVICES, REFERRAL SERVICES

The staff member responsible for admission interviews, counseling and referral services shall be a person with education, training or experience leading to:

- a. Skill in interviewing.
- b. Broad understanding of human behavior and respect for the dignity of individuals.
- c. Knowledge of community services and resources.
- d. Full knowledge of the policies and procedures of the institution, and the limitations of its services.

42131 PERSONNEL PRACTICES - INSTRUCTIONS ON MAJOR FUNCTIONS AND SERVICES

There shall be instructions in writing covering all major functions and services performed in the home in sufficient detail so that new or substitute employees can understand and carry them out effectively.

42133 JOB DESCRIPTIONS

There shall be written job descriptions covering briefly each different position in which staff are employed.

42135 WRITTEN EMPLOYEE ASSIGNMENTS

There shall be individual written assignments for each employee listing the duties and responsibilities delegated to him, the hours and days of work, salary and other compensation provided.

42137 CONDITIONS OF EMPLOYMENT

Personnel policies covering all conditions of employment shall be established by the appropriate administrative authority and made available in writing to all employees.

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42139 MEDICAL REPORTS - EMPLOYEES, DIRECTORS AND MANAGERS

A physician's report giving an evaluation of the applicant's general health and ability to perform the duties of the job applied for shall be required of every new staff member including directors and owner-managers. The physician's report shall be based on a recent examination, shall be in writing, and shall be kept on file in the home.

A staff member will be required to furnish a physician's report of re-examination of his general health when medical information is needed to determine if he has a health condition which is hazardous to aged residents or which impairs his ability to perform the duties required by his position.

A chest X-ray shall be required of every staff member at the time of employment and annually thereafter.

Exception:

Employed staff and licensees in institutions operated by members of a religious faith relying on prayer or other spiritual means of healing are not required to have a physician's examination and chest X-ray, provided that the institution limits admissions to members of the same religious faith.

42141 PERSONNEL RECORDS

Personnel records, including an application for employment, physician's reports and any other records necessary shall be maintained for each employee.

42143 REPORTS OF ADMINISTRATIVE PERSONNEL

The names and the qualifications of the following personnel shall be on file with the SDSW:

1. Director
2. Assistant Director
3. Substitute for the director, including the night supervisor.

Any changes in such personnel shall be reported to the SDSW within 48 hours.

When staff is assigned temporarily or on a rotating basis to positions identified in the regulations, the names and qualifications of staff or other alternates who may be assigned to such positions, shall be reported.

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ARTICLE 4. BUILDINGS AND GROUNDS

42161 LOCATION

All institutions for the aged shall be located in or near a community which can provide the necessary goods and services for safe and efficient operation.

Institutions shall not be located in remote rural areas, nor in deteriorated, unpleasant or potentially hazardous urban areas. Areas with extremely heavy traffic, excessive noise, smoke or disagreeable odors shall be avoided.

42163 GROUNDS

Every institution for the aged shall have sufficient grounds surrounding or adjacent to the buildings to provide space for delivery areas, service yards, off-street parking, as needed, and for outdoor recreation areas.

a. Delivery Areas, Service Yards, Off-Street Parking

Delivery areas, service yards and parking areas shall be located so that traffic does not cross areas commonly used by residents.

b. Outdoor Recreation Areas

There shall be some space provided for outdoor social and recreational activities to meet the needs of the resident group.

Every home shall provide some outdoor areas (such as patios, porches, gardens) easily accessible for residents and furnished with suitable furniture and equipment.

42165 GENERAL BUILDING REQUIREMENTS

All buildings for the housing of or provision of services to aged persons shall be safe and suitable for the general purposes for which they are intended and must be maintained in a good state of repair.

42167 NEW BUILDINGS

As used in this chapter, "new buildings" mean (1) a building or buildings constructed after January 15, 1956, and (2) a building or buildings not approved for use by a licensed institution for aged persons prior to that date.

New buildings shall meet all of the rules and regulations of the State Department of Social Welfare.

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42169 EXISTING BUILDINGS

As used in this chapter, "existing buildings" mean a building or buildings in continued use by a licensed institution for aged persons prior to and after January 15, 1956.

Correction of deviations from regulations shall not be required for existing buildings which were determined to be in substantial conformity with this chapter on January 15, 1959, if there is no substantial change in the conditions which warranted the finding.

42171 MULTIPLE BUILDING HOMES

Institutions using more than one building for housing or providing other services to aged persons shall meet the following requirements:

- a. Occupancy of detached cottages shall be restricted to aged persons who are fully ambulatory and in need of no regular personal care or assistance, unless the institution has sufficient staff and suitable equipment to provide meal service and personal care and assistance to the residents of the cottages.
- b. Separate buildings shall be so located, arranged, or equipped that residents may easily participate in group activities. Persons using the central dining and recreational room shall be protected from hazardous exposure during inclement weather.

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42173 FIRE SAFETY

All institutions for the aged shall comply with the fire safety laws of the state and the regulations of the State Fire Marshal governing homes for the aged contained in Title 19 of the California Administrative Code.

A fire safety clearance from the State Fire Marshal is required before initial licensing and before any change in the terms of the license which relate to fire safety. The terms of the licenses shall conform with the conditions of the fire safety clearance with respect to specific areas approved for the housing of "ambulatory" and "nonambulatory" persons and with respect to the number of persons who may be accommodated in such approved areas.

Denial of a fire safety clearance, or a report from the State Fire Marshal of violation of the conditions of the fire safety clearance, is cause for denial of an application or for revocation of a license.

42175 BUILDING CONSTRUCTION

All new buildings to be used for residential services to aged persons shall meet the requirements of Title 19 of the California Administrative Code applicable to homes and institutions for the ambulatory persons. This code provides that "ambulatory persons shall be considered those persons who are able to leave a building unassisted under emergency conditions."

All new buildings, all new occupancies, and all additions or alterations to existing occupancies for care of aged persons in which there is any possibility of present or future care of persons who, because of physical or mental impairment are unable to leave a building without assistance, shall conform to the requirements of Title 19 of the California Administrative Code governing occupancies for "nonambulatory persons."

All new buildings for institutions for the aged will be considered as presenting the possibility of use for care of "nonambulatory" aged persons, unless (1) the institution already has a licensed hospital or nursing home section of sufficient size to meet present and future anticipated needs for the care of chronically ill or convalescent patients, and sufficient appropriate space for the care of residents who are or may become in need of assistance in leaving the building because of feebleness, physical handicap or mental confusion; or (2) the institution, by plan, limits admissions to active, fully ambulatory persons, and has an effective referral procedure which will guarantee prompt and appropriate replacement of persons who become nonambulatory after admission. (See Sub.Ch. 3, Art. 1)

42177 SANITATION

All applicable laws, rules and regulations on sanitation shall be met.

The SDSW may require inspection and approval of general sanitation by the appropriate state or local health department before issuance of license.

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(Pursuant to Government Code Section 11380.1)

42179 SAFETY PRECAUTIONS

The buildings and grounds shall be kept free of hazards which might result in accident or injury to the residents. All necessary protective measures to prevent accidents shall be taken.

The following safety precautions are required of all homes:

- a. Halls and stairways, paths and walks shall be kept clear of obstructions.
- b. Grab bars shall be provided in residents' bathrooms in the bathtub and showers.
- c. Night lights shall be maintained in hallways and central bathrooms.
- d. An effective signal system shall be provided connecting all residents' bedrooms with an appropriate staff center.
- e. Floors and floor coverings shall be nonslippery.
- f. Elevators shall be provided in all buildings of more than two stories.

Additional safety measures as needed shall be taken.

42181 SUBMISSION OF BUILDING PLANS FOR NEW CONSTRUCTION,
ADDITIONS OR ALTERATIONS

Plans for new buildings or additions or major alterations to existing buildings to be used for providing housing or other services to aged persons shall be submitted to the department for review and approval before construction is started.

Plans shall be prepared by a licensed architect or registered civil engineer. Fire codes and building codes used in the design of the building shall be noted on the plans submitted. (See Secs. 42173 and 42175) Certification by the architect or engineer, or by the local building official, that the plans meet the building construction standards of the codes mentioned shall accompany the plans.

42183 FACILITIES FOR ADMINISTRATIVE SERVICES - OFFICE SPACE

Sufficient administrative office space for the clerical, financial and managerial functions shall be provided.

All homes shall have some space which can be used for the conduct of the business of the home, for privacy in interviewing applicants, for discussions with relatives, etc.

In homes for more than 20 residents, private offices for the manager or superintendent and for any social work or counseling staff shall be provided.

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42185 KITCHEN

There shall be a kitchen properly located for efficient food service, and large enough to accommodate the equipment and personal needed to prepare and serve the number of meals required.

The kitchen shall be arranged and equipped for convenience in operation, healthful working conditions, good sanitation and control of heat, noise and odors. Suitable equipment for the preparation and serving of meals, for the refrigeration of perishable foods and for washing and sanitizing dishes and utensils shall be provided.

The kitchen shall not be used as a passageway for regular use by residents.

Adequate storage space shall be provided for food supplies and for dishes and silverware not in use. All storage space used for these purposes shall be clean and dry and shall provide protection from insects, rodents, dust and other contamination. Proper disposition shall be made of garbage and trash.

42187 HOUSEKEEPING AND SERVICE FACILITIES

Space, equipment and supplies as needed shall be provided for the necessary housekeeping and maintenance of the home.

Janitor's sinks, closets for cleaning supplies, workrooms for maintenance men, linen closets, storerooms for luggage, furniture replacements, etc., shall be provided, and located as conveniently as possible for efficient use.

42189 FACILITIES FOR RESIDENTS' USE - LIVING ROOMS

There shall be sufficient space in one or more suitably furnished, comfortable living rooms, lounges or social halls to meet the needs of the total resident population for personal, social and group activities.

All living rooms shall be properly heated, lighted and ventilated.

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42191 RECREATION ROOMS

Additional recreation rooms, workshops, libraries shall be provided as needed by the recreational activity program of the home.

42193 DINING ROOMS

There shall be a dining room or rooms conveniently located, properly heated, lighted and ventilated and large enough to accommodate the number of persons regularly served meals in the home.

42195 BEDROOMS

There shall be a sufficient number of comfortable bedrooms, suitably furnished, and properly heated, lighted and ventilated, of adequate size and suitable location to serve the persons accepted for care. No bedroom shall be used as a passageway.

a. Bedrooms in New Buildings

New buildings and new occupancies (See Sec. 42167) shall provide bedrooms for single or double occupancy only.

b. Bedrooms in Existing Buildings

Homes operating in existing buildings with dormitories for more than two persons shall make immediate provision for as much privacy as is feasible considering physical factors, and the needs, attitudes and personal preferences of the occupants.

42197 SIZE OF BEDROOMS

Bedrooms for single occupancy shall have 100 square feet of superficial floor area with a minimum dimension of 10 feet.

Bedrooms for two or more persons shall have 70 square feet of floor area per person with a minimum dimension of 10 feet.

Exception - Existing Buildings

Bedrooms in existing buildings currently licensed for care of the aged shall meet the minimum floor area requirements, but will not be required to meet the 10 foot minimum dimension requirement.

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42199 LAVATORY AND TOILET FACILITIES

Ratio

Toilets and basins shall be provided in every residential building, accessible to every resident's bedroom, in a ratio of at least one toilet and basin to four residents.

Exception - Existing Buildings

In existing buildings currently licensed for the care of aged persons, the required ratio of toilets and basins to residents shall be one to six.

Accessibility

At least one toilet and basin shall be available for use of the resident group near every living, dining and recreation room.

If the toilet facilities provided under the above ratio are not accessible from living, dining and recreation areas, additional toilets shall be provided in these areas.

42201 BATHTUBS AND SHOWERS

Bathtubs and/or showers shall be provided in a ratio of one bathing facility for each 10 residents. At least one of these facilities shall be a tub.

Bath facilities shall be available in every residential building, located conveniently for all residents.

42203 LAUNDRY AND SEWING ROOMS

There shall be some space provided for washing, ironing, mending of residents' personal laundry, preferably so arranged that residents who are able and who desire to, may do their own work.

42205 DOCTOR'S EXAMINING ROOM

Homes without an infirmary unit or a nursing home section shall make some provision for privacy for doctors' visits, examinations, and consultations in the home.

42207 INFIRMARY UNIT

Designated units housing persons requiring bed care during a temporary or minor illness shall meet the fire safety requirements for occupancy by persons unable to leave the building without assistance. (See Sec. 42175)

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42209 SPECIAL FACILITIES FOR CARE OF SENILE RESIDENTS

Buildings or portions of buildings used for the care of senile residents incapable, in an emergency, of leaving the building without assistance, shall meet the fire safety requirements for this type of occupancy.

When senile residents are separated from the general population of the home, suitable bedroom, living, dining and recreation space shall be provided for their use. (See Secs. 42189 - 42201)

42211 NURSING HOME SECTION

A designated unit with one or more beds planned for the inpatient care of persons with acute or chronic illness which requires close medical supervision or professional nursing service must hold a license issued by the State Department of Public Health. As used in this section, professional nursing service includes any procedures requiring technical skills, daily, professional observation or the exercise of professional judgment.

42213 EMPLOYEE FACILITIES - RESIDENT STAFF

Bedrooms for resident staff shall be private and shall meet the same requirements as for single rooms for residents.

Bath, lavatory and toilet facilities shall be separate from residents' facilities.

Staff quarters, except for staff with night supervisory responsibility, shall be separate from the aged residents' facilities, to provide for privacy while off-duty.

42215 DAY STAFF

Locker rooms and rest rooms shall be provided for nonresident staff. Suitable space for staff dining shall be provided.

42217 FACILITIES FOR BOARD ACTIVITIES - NONPROFIT INSTITUTIONS

Nonprofit homes in which boards and committees hold regular meetings, luncheons, teas and/or other social and business functions, in which residents do not participate, shall provide facilities other than the social and recreational rooms provided for the residents' use for these functions.

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SUB-CHAPTER 3 CARE AND SERVICES
 ARTICLE 1 ADMISSION POLICIES AND PROCEDURES

42231 ESTABLISHMENT OF ADMISSION POLICY

Every home shall establish a general admission policy, consistent with the purposes of the home and the policies of the department.

The admission policy of every home shall be in writing and shall be available to the public.

42233 ADMISSION POLICY - NONDISCRIMINATION

The written admission policy shall include a statement that the home is operated on a nondiscriminatory basis, according equal treatment and access to services without regard to race, color, religion, national origin or ancestry.

A nonprofit home established by and/or operated for members of a particular group is a membership home and may limit admissions to members of an identified group. Membership homes include:

- a. Homes operated for members of a fraternal organization.
- b. Homes in which the right to admission is contingent upon prior service in a particular profession or occupation.
- c. Homes established for members of a particular cultural or ethnic group in order to preserve its cultural values.
- d. Homes established by a particular organization to serve its needy members.

A membership home shall not discriminate against a member of the identified group on the basis of race, color, religion, national origin or ancestry.

A nonprofit home which deviates from its admission policy by admitting persons other than members of the identified group is not considered a membership home.

Exception: Homes established by and operated for members of a particular religious faith may admit persons who are not adherents to the religious faith of the particular identified group.

Until July 1, 1965, licenses granted to any home failing to meet the department's standards pertaining to nondiscrimination shall be limited to authority to care for those persons under care at the time the finding of nonconformity is made, provided that such persons choose to remain in the home.

42235 CRITERIA FOR ADMISSION OF INDIVIDUAL APPLICANTS

Criteria for admission of applicants shall be consistent with the admission policy, the program and services offered and with the limitations of staff and physical facilities.

Criteria shall include the items set forth by Sections 42233 through 42241.

Admission criteria shall permit the exclusion of individuals, who for reasons other than race, color, religion, national origin or ancestry, are unsuitable for admission.

42237 AGE

Persons who are not aged shall not be admitted to a home for aged persons unless it is determined that their interests and needs will not conflict with those of the aged group in the home. Any nonaged person admitted shall meet all other admission criteria.

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42239 PHYSICAL CONDITION

The admission policies of homes shall limit admissions to persons who do not require professional nursing care from the staff of the home, whose safety is assured in the type of physical facilities available and who will not be a hazard to the other residents. In each instance, the needs of the individual shall be evaluated as to the degree of mental and physical limitation and the amount and type of assistance required.

- A. Persons eligible for admission shall include those with no physical or mental disabilities, as well as:
 - 1. Persons capable of administering their own medication
 - 2. Persons receiving medical care and treatment outside the home or who are receiving needed injections or other medications from a visiting nurse
 - 3. Persons who because of forgetfulness need only to be reminded to take medication usually prescribed for self-administration
 - 4. Persons who because of physical limitations need some assistance with medication normally prescribed for self-administration.
- B. Admission policies shall exclude reception of:
 - 1. Persons with active communicable tuberculosis
 - 2. Persons with any temporary or chronic health condition requiring close medical supervision, daily professional observation or the exercise of professional judgment from the staff of the home
 - 3. Persons physically incapable of leaving the building in the event of an emergency without assistance, unless the building or the portion of the building in which they reside has been specifically approved for non-ambulatory persons.

42241 MENTAL CONDITION

Admission of persons with mental problems shall be limited to those with mild and/or temporary mental disturbance who do not require locked doors or constant supervision. Such persons shall be admitted only if they can benefit from the program offered and (a) the home can provide the amount of supervision needed to prevent their behavior from upsetting the general resident group; (b) other residents will not be deprived of needed services.

- A. Persons eligible for admission shall include:
 - 1. Persons with mild symptoms of senility such as forgetfulness, confusion, irritability, inability to manage money, etc.
 - 2. Persons with mild temporary emotional disturbance resulting from personal loss or change in living arrangement
 - 3. Persons with epilepsy which is medically controlled
 - 4. Persons subject to occasional alcoholic intemperance.
- B. Admission policies shall exclude reception of:
 - 1. Persons with a mental illness or defect of a degree requiring psychiatric hospital treatment
 - 2. Persons who require confinement in locked quarters, physical restraint for their own protection or that of others or constant supervision
 - 3. Persons subject to attacks of epilepsy which are not medically controlled
 - 4. Persons who require treatment for addiction to alcohol or drugs
 - 5. Persons mentally incapable of leaving the building in an emergency without assistance unless the building or the portion of the building in which they reside has been approved for this type of care.

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42243 DETERMINATION OF INDIVIDUAL ADMISSIONS

The home shall determine that any person accepted for care meets the admissions criteria set forth in this chapter and does not need services which cannot be provided in the home, either directly or through outside resources.

42245 ADMISSION PROCEDURES

The procedures by which the home determines the eligibility of applicants shall include the items specified in Sections 42247 through 42255. These procedures shall be completed prior to admission, unless (1) the need for care is urgent and (2) there is reasonable assurance that the person is eligible, in which case determination of all eligibility factors shall be initiated immediately and completed within 30 days following admission.

42247 PERSONAL INTERVIEW

Each aged person applying for admission to a home for the aged shall be interviewed by the person responsible for admission interviews prior to his entrance into the home. In this interview (or interviews) the home shall provide sufficient information about the home, its services, facilities, etc., to enable the aged person to consider the plan fully. The home shall also determine the aged person's own wishes and desires regarding entrance. No person shall be admitted into a home for aged without his consent and agreement.

Exception to Prior Personal Interview

Homes for the aged accepting referrals from hospitals, social agencies, and other homes and institutions may defer the personal interview until after admission, when it is impossible for the aged person to visit the home, or the home's representative to visit the aged person, and when the home is satisfied that the aged person has been given a description of the home, and has given his tentative consent and agreement. In all such admissions, the home shall arrange for a personal interview as soon as possible.

The home shall require that the referring agency provide at least a minimum social history and medical information before placement.

42249 EVALUATION OF PHYSICAL CONDITION

The home shall determine that the physical condition of each applicant accepted for care meets the eligibility factors specified in Section 42239 and shall evaluate the person's need for personal assistance and care.

The health evaluation shall include:

- a. Personal interview and observation.
- b. A written report of a recent examination by a physician.
- c. A recent chest X-ray.
- d. Reports from social agencies, hospitals and nursing homes involved in making the arrangements for care or currently giving service to the applicant.
- e. Reports from relatives, if any, involved in planning for the aged person.

Exception:

The physician's examination requirement may be waived for persons belonging to a faith relying on prayer or other spiritual means of healing, provided that the personal interview and observation and other reports establish the person's eligibility for admission to the home under Sec. 42239.

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42251 EVALUATION OF MENTAL CONDITION

The home shall determine that the mental condition of each applicant accepted for care meets the eligibility factors specified in Section 42241 and that the amount of care and supervision needed does not exceed that which the home is prepared to give.

The home's evaluation of the mental condition shall include a personal interview with, and observation of, the applicant, and reports from any relatives or social agencies involved in making arrangements for care. When there is any question as to the mental condition of an applicant for admission, a report shall be obtained from a licensed physician which indicates whether or not the degree of mental disability is within limitations of Section 42241.

42253 EVALUATION OF SOCIAL FACTORS

The home shall obtain sufficient information about each applicant, his past life, pattern of adjustment, likes and dislikes, interests and activities, family relationships, and present living situation to determine that admission to the group living arrangement in this home will be a potentially satisfactory plan for the applicant.

42255 FINANCIAL EVALUATION

The home shall secure enough information about the financial situation of the applicant:

- a. To determine ability to pay the established fees or to determine charges for care in accordance with ability to pay.
- b. To determine whether the applicant has sufficient additional resources to provide for clothing, personal and incidental expenses, pocket money, and other needs not included in the home's service.

42257 USE OF TRIAL PERIODS OF RESIDENCE - LIFE CARE CONTRACT HOMES

Homes accepting aged persons for long-term care on the basis of a contract or agreement shall provide for a trial residence period of at least three months during which both the home and the aged person evaluate the advisability of permanent residence.

Change of plan during the trial period may be initiated by either the home or the aged person.

42259 CONTINUING SOCIAL SERVICES

Every home, to the extent of its ability to do so, shall make available to all of its residents sympathetic, understanding help in making use of group living, in adjusting to the particular routines of the home and to the limitations imposed by his individual circumstances.

All homes shall provide the following minimum services:

- a. Treatment of every individual with respect, kindness and consideration as a person of dignity and importance.
- b. Considerate listening to problems and complaints, with adjustments where possible to alleviate conflicts between residents and causes of difficulty.
- c. Where professional casework services are available in the home, direct casework help to individuals needing this service in adjusting to the home or in meeting personal or family problems.

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42261 RECORDS - GENERAL

All records shall be kept confidential and the information therein released only for the benefit of the aged person or to the SDSW as required for licensing purposes.

Basic identification and emergency information on each person in residence shall be kept current and shall be readily available in the home to the person in charge, but shall not be accessible to unauthorized persons.

All medical, social, personal and financial information shall be kept in locked files.

42263 RECORDS - SPECIFIC

The following records shall be maintained on every person admitted to the home for care: (Items marked with asterisks are considered basic identification and emergency information to be kept in the home and available to the person in charge.)

*a. Register information required by the Welfare and Institutions Code.

b. Medical Information

1. Report of Preadmission Evaluation

*2. Physician's Admission Report and Instructions

3. Records of any illness, medical care in the home or subsequent medical examinations

*4. Name of physician to be called in an emergency

*5. Desired plan for hospitalization

c. Personal and Social

1. Pertinent social information obtained in admission interviews or from referring agency, and similar information about the individual and his life in the home, special services given, problems and needs noted, etc.

2. Dates of admission and discharge.

*3. Names, addresses, and telephone numbers of responsible relatives or friends, guardians of estate or person, person responsible for handling financial affairs.

*4. Religion - name and address of pastor, religious advisor, if any

*5. Burial Plans

d. Financial

1. Financial agreement made at admission

2. Any changes in agreements

3. Any other financial arrangement, special charges, etc.

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ARTICLE 2 CONTINUING HEALTH SUPERVISION-MEDICAL CARE

42281 CONTINUING HEALTH SUPERVISION

Every home shall provide general health supervision of the aged persons under care, to the extent of being aware of any change in health or physical abilities, noting need for medical attention, personal or nursing service, and for providing those services necessary for the maintenance of health or arranging for them through outside agencies.

Exception:

Institutions operated by and for members of religious faiths relying on prayer or spiritual means of healing shall be exempted from all of the requirements of this chapter, except Sec. 42283, provided that admissions are restricted to members of the particular faith.

42283 PERSONAL ASSISTANCE

Residents shall be given personal assistance as needed in bathing, dressing, care of the hair, shaving, etc.

42285 MEDICATION - ASSISTANCE TO RESIDENTS

Assistance to residents with medication shall be given, as needed, to a resident with a health condition not requiring the exercise of professional judgment or daily professional observation. Determination shall have been made by a physician that the condition is controllable by an established regime. Assistance shall be limited to medications usually prescribed for self-administration which have been authorized by the resident's physician.

A. Assistance also shall be limited to:

1. Assistance with medication during an illness determined by a physician to be temporary and minor. (see Sec. 42291).
2. Giving assistance required by residents because of physical and/or mental incapacities (i.e., tremor, failing eyesight, mild mental confusion, etc.)
3. Providing central storage of medication for:
 - a. The preservation of medicines requiring refrigeration
 - b. Any medication determined by the physician to be hazardous if kept in the personal possession of the person for whom it was prescribed.
 - c. Medications which because of housing arrangement of the home and the physical or mental condition or the habits of other residents is determined by the administrator to be a safety hazard to any guest of the home.

(Continued)

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42285 (Continued)

- B. Centrally stored medicines shall be kept in a safe place which is not accessible to persons other than staff responsible for health supervision. Each container shall carry the name of the person for whom prescribed and the physician's instructions.
- C. Professional nursing service, including any procedures requiring technical skills or the exercise of professional judgment, is prohibited except in homes with a nursing home section licensed by the Department of Public Health. (See Sec. 42293.)

42287 SPECIAL DIETS

Special diets of a type which can be prepared and served by the regular kitchen staff shall be provided for all residents who need them, on their physicians' instructions.

Highly technical therapeutic diets (e.g. severely restricted sodium diet) shall be provided only in homes with a licensed nursing home section.

42289: EMERGENCY MEDICAL CARE

Every home shall provide for immediate medical attention and treatment in case of illness, accident or injury to any aged person under care.

The home shall obtain from every resident the name of a physician to be called in time of illness as well as instructions as to calling relatives, and desired arrangements for hospitalization if needed.

The resident's designated physician shall be called at the first sign of illness and his instructions regarding care followed.

Every home shall have an arrangement with a licensed physician, clinic or hospital so that emergency care can be obtained when a resident's own physician cannot be reached.

Homes accepting aged persons receiving or eligible to receive medical care through public hospitals or clinics shall establish definite working relationships with the public agencies involved so that prompt attention will be possible.

42291 CARE DURING MINOR, TEMPORARY ILLNESS

All homes shall provide bedside care, including tray service, care with personal hygiene, and help with uncomplicated medication to residents with minor, temporary illnesses (such as colds) under the direction of the aged person's physician. If there is any question as to whether the illness is minor and temporary, the physician's advice shall be obtained and followed.

Any illness which requires complicated nursing procedures or which renders the person nonambulatory (unable to leave the home without assistance in case of emergency) is not a minor, temporary illness.

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42293 CARE OF THE INFIRM AND CHRONICALLY ILL

Established residents who, after admission, become in need of professional nursing care rendered by staff of the home during recovery from injury or disease or because of prolonged illness shall be served only in homes which have a nursing home section, licensed by the Department of Public Health.

Responsibility for the administration of medication requiring technical skill or the exercise of professional judgment shall be limited to the professional staff of a nursing home section. (See Sec. 42285 -C.)

Residents who develop active communicable tuberculosis shall be transferred from the home.

Residents unable to leave the building in an emergency without assistance shall be cared for only in a building or portion of a building which has been approved for this type of occupancy (42175).

42295 CARE OF MENTALLY HANDICAPPED

The advice of a licensed physician shall be obtained whenever any resident exhibits unusual behavior or presents symptoms of mental illness or deterioration.

Continuing care of established residents who after admission develop mental disabilities shall be provided only by homes which can offer the necessary supervision without depriving other residents of needed services. Such care shall be limited to the following:

1. Persons whose degree of mental disability does not exceed that specified in Sec. 42241.
2. Persons with physical limitations who also require care because of their mental condition whose need for medical care can be met in conformity with Secs. 42285 and 42293.
3. Persons who develop moderately advanced nonpsychotic senility.

Mentally handicapped persons who are in need of professional nursing service shall be cared for only in homes which have a licensed nursing home section.

Persons mentally incapable of leaving the building in an emergency without assistance shall be cared for only in a building or portion of a building which has been approved for this type of occupancy. (42175)

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ARTICLE 3. NUTRITION AND FOOD SERVICE

42311 MEETING DIETARY NEEDS

Every home shall provide for three meals daily, nutritionally well-balanced according to the standards of the National Research Council, properly cooked and served, and including sufficient quantities of the types and varieties of foods necessary to meet the dietary needs of the aged persons under care.

42313 TIMING OF MEALS

The three meals served daily shall be served at appropriate times, morning, noon and evening. Not less than 10 hours shall elapse between the serving of the first meal of the day and the evening meal.

The evening meal shall include at least one hot dish, and if this meal is served before 5:30 p.m., there shall be provision for an evening snack of some type for those residents who wish it.

42315 FOOD SERVICE

Meals shall be served in the dining room.

Tray service shall be provided for any residents receiving bedside care for minor illness as well as to persons in the infirmary.

Cafeteria-type service shall not be used.

Suitable dishes and utensils shall be provided for both dining room and tray service.

42317 FOOD PRESERVATION

If the home preserves any foods for future use, by canning, freezing or dehydrating, or accepts gifts of home-preserved food of any kind, care shall be taken to insure that proper methods have been followed.

If the home accepts home preserved foods as gifts or donations, the following precautions shall be taken:

- a. Only the current year's pack shall be accepted and all foods unused at the end of a year shall be disposed of.
- b. No nonacid vegetables or fruits (such as pears) shall be accepted, unless they have been canned by pressure cooking methods.
- c. All containers shall be labeled and dated.
- d. All contributions shall be inspected on receipt and again before use and any questionable foods discarded.

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ARTICLE 4 SOCIAL AND RECREATIONAL ACTIVITIES

42331 PROGRAM OF ACTIVITIES

Every home shall make provision for social and recreational activities in accordance with the interests, abilities and needs of the persons under care.

42333 SOCIAL ACTIVITIES

Social activities which ordinarily take place in family life shall be part of the program of the home, in addition to group social activities designed to promote group relationships and the feeling of belonging.

42335 RECREATIONAL ACTIVITIES

Opportunities for participation in a variety of recreational activities shall be made available to the residents, according to their interests and abilities.

Every home shall provide for activities in the home of the type ordinarily found in family living, such as reading, listening to the radio, table games, etc.

Opportunity for participation in activities outside of the home shall be provided for residents who are interested and able.

Additional activities in the home shall be provided as needed to round out the total activity program.

42337 RELIGIOUS PROGRAM

The home shall secure information from every resident as to his religious affiliation, if any.

No resident shall be deprived of the right to have visits from the minister, priest, or rabbi of his choice.

Homes which accept persons of varied religious faiths shall respect the right of each individual to worship in his own way, and consideration shall be given to the religious customs of daily living of the different faiths represented.

Every resident shall have freedom to attend the church of his own choice.

Attendance at religious services held in the home shall be on a completely voluntary basis.

42339 FACILITIES FOR RECREATIONAL ACTIVITIES

Sufficient equipment and materials for the home's recreation program shall be provided.

Such things as radios, television, books, magazines, newspapers, indoor and outdoor games, piano, record player, which are ordinarily part of family life shall be available.

Additional equipment and materials for activities conducted in the home shall be provided as needed, or obtained through community agencies.

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CHAPTER 8 LIFE CARE CONTRACTS

42501 LIFE CARE CONTRACTS

In addition to meeting the provision of W&I Code Sections 16300 through 16318, and the financial requirements applicable to all homes, homes entering into life-care contracts shall provide for a probationary period, during which the person may withdraw from any agreement for future care without loss of the unused portion of an advance payment.

Every contract, except those which provide for voluntary withdrawal by a life member at any time, with a refund of the unused portion of lump-sum payment, shall include provision for a specified probationary period. Such probationary period shall extend to not less than three months following the person's admission to the home. The contract shall provide for cancellation of the contract by either party during the probationary period with a refund to the transferor according to the provisions of W&I Code Section 16308.

A period of residence in the home for at least three months immediately preceding the signing of the life care contract is deemed to meet the requirement for a probationary period. Contracts entered into after the three-month period of residence must contain a statement that the probationary period was completed prior to the signing of the contract.

42503 COMPLIANCE WITH LIFE CARE CONTRACTS

An institution which has entered into a life care contract or a contract for care for more than one year must comply with the provisions of each such contract and must meet the reserve requirements set forth in Section 16304, Welfare and Institutions Code, regardless of whether or not the institution holds, or continues to hold a valid certificate of authority from the State Department of Social Welfare to enter into such contracts.

DO NOT WRITE IN THIS SPACE